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ENFORCEMENT CASE SDWA 1431
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107-8 CIVIL LAW DEPOSITION
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East Poplar Oil Field
Enforcement Case

DEPOSITION - ALLEN Y

Region 8



13603

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

CARY G. YOUPEE, et al.,

Plaintiffs,

vs.

MURPHY OIL USA, INC., et al.,

Defendants.

Cause No. CV 98-108-BLG-JDS

Judge Jack D. Shanstrom

MESA PETROLEUM and PIONEER
NATURAL RESOURCES, USA, INC.,

Defendants/
Third Party Plaintiffs &
Cross Plaintiffs,

vs.

AMARCO RESOURCES CORP.
BESTWAY INC.; WESTDALE
PETROLEUM INC.; and THE
PRUDENTIAL GROUP,

Third Party Defendants,

vs.

JOHN DOES 4-50,

Cross-Defendants.

DEPOSITION

OF

ALLEN YOUPEE

TIME: Monday, June 11, 2001 at 10:48 a.m.

PLACE: Sherman Motor Inn, 200 East Main, Wolf Point, MT

Joann D. Heser
Official Court Reporter
Fifteenth Judicial District
Roosevelt County Courthouse
Wolf Point, Montana 59201
Ph. (406) 653-6272
Home: (406) 525-3712

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1 BE IT REMEMBERED: That the oral deposition of ALLEN
2 YOUPEE was taken at 10:48 a.m. on the 11th day of June,
3 2001 at the Sherman Motor Inn, 200 East Main, Wolf Point,
4 Montana, with the appearances of counsel hereinbefore
5 noted, before Joann D. Heser, Official Court Reporter and
6 Notary Public for the State of Montana.

7 Diane Faye, of Attorney's Video Service of Montana,
8 present to videotape the proceedings, placed an
9 introduction onto the videotaped record. The following
10 proceedings were then had:

11 -----

12 Whereupon,

13 ALLEN YOUPEE,

14 called for examination, and being first duly sworn upon his
15 oath, testified as follows:

16 EXAMINATION BY MR. ROSS:

17 Q Mr. Youpee, my name is John Ross, and I represent
18 one of the defendants in this case and that is Pioneer
19 Natural Resources. Is it all right if I call you Allen?

20 A Right.

21 Q Have you ever had your deposition taken before?

22 A No.

23 Q You understand that you're under oath and have to
24 answer my questions as truthfully and completely as you
25 can?

26 A Right, unhunh.

27 Q And you understand that this deposition is being
28 recorded and that a transcript will be made of it?

1 A Right. Yes.

2 Q And you have to answer audibly so the Court
3 Reporter can take down your answers, do you understand
4 that?

5 A Yes.

6 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION
7 EXHIBIT 2 FOR IDENTIFICATION PURPOSES.)

8 Q I'll show you what's been marked as Plaintiff's
9 Exhibit 2 and ask you to take a look at that for a moment.
10 I'm showing you what's been marked as Exhibit 2 which is a
11 notice of your deposition and a request to bring with you
12 any documents. Had you seen that before?

13 A This here?

14 Q Yes.

15 A No. I knew I was going to go to Court.

16 Q And you were aware that your deposition was
17 noticed up for today?

18 A Ah, yeah.

19 Q And were you aware that we requested you to bring
20 any documents that might relate to the claim in this case?

21 A Right. Unhunh. Yes.

22 Q And what documents did you bring today?

23 A My water sample.

24 (AT THIS TIME, THE COURT REPORTER MARKED DEPOSITION
25 EXHIBITS 3A, 3B, AND 3C FOR IDENTIFICATION PURPOSES.)

26 Q I've marked as Exhibits 3A, 3B, and 3C. Are those
27 copies of the water samples that you brought with you
28 today?

1 A Yeah, I guess.

2 Q And other than these three documents, 3A, 3B, and
3 3C, are there any other documents that you have that relate
4 to this lawsuit?

5 A Ah, you mean, ah -- well, that's it right there.

6 Q Okay. There are no other documents that you have
7 that relate to any of the claims that you have in the
8 lawsuit?

9 A Well, there's, ah -- I think, they took the--
10 Environmental Protection Agency, I think. You got
11 something like that.

12 Q Do you know what document that is?

13 A No, I don't.

14 Q Let me ask you to describe for us Exhibits 3A, 3B
15 and 3C. If you could just describe what those are and what
16 your understanding is of what they show?

17 A 3A is a description of the land that I own, and it
18 shows where the well is drilled, and it doesn't show the--
19 yeah, it shows where I was--where I had the well.

20 Q Okay.

21 A Right there.

22 Q And does it indicate when the well was drilled,
23 what year?

24 A Ah, I know it was--I lived out there 1974 and 1980
25 so it had to be drilled in '74. But they lost the
26 documents--the other documents because he died. Maybe he
27 didn't record them but he's dead now.

28 Q Okay, and could you describe for us what

1 Exhibit 3B is?

2 A That's the information I got back on my water
3 sample that I sent 'em.

4 Q And what's the date on that water sample?

5 A 4/2/93.

6 Q And what about Exhibit 3C, what's that?

7 A 5/21/01.

8 Q That's another water sample taken on----

9 A Yeah.

10 Q ---May 21 of this year.

11 A Yeah, they must have had one that was before.

12 Q Let me first ask you a few background questions.

13 Can you tell us when and where you were born?

14 A Poplar, Montana, 1942, March 1st.

15 Q And are you an enrolled member of an Indian Tribe?

16 A Yes, Fort Peck Sioux.

17 Q What's your educational background?

18 A I finished high school here, and I went to two
19 years at Bozeman; and from there, I went into the service.

20 Q And when you went to Bozeman, that's Montana State
21 University?

22 A Montana State College then.

23 Q Okay, and what curriculum or major did you take at
24 Montana State?

25 A Ag Engineering and General.

26 Q And can you summarize for us briefly your
27 occupational background, what positions you've held?

28 A After I got out of the service, I--well, I was a

1 farmer. I helped my father farm, but I was really--after
2 I got out of the service, I was a--worked on a bridge at
3 the tying steel and carpentry work and a little bit of
4 cement work, laborer. Plus I picked up driving truck while
5 I was at home.

6 Q And what's your current occupation?

7 A I'm on a disability for an injury I had in 1995,
8 I think it was, a head injury where they drilled three
9 holes in my head to relieve pressure.

10 Q What was the nature or the cause of your injury?

11 A A blunt--some people had jumped me.

12 Q What's your current address?

13 A Box 122, Poplar, Montana.

14 Q Where do you live?

15 A Poplar, Montana.

16 Q What's the address of your living residence?

17 A 314 B Street West.

18 Q So that's right in the City of Poplar?

19 A Right. My mother had a house there, and it's all
20 willed to--she willed it all to the--the rest of--the
21 survivors.

22 Q Are you married?

23 A No, I was but that didn't last very long.

24 Q Do you have any children?

25 A I had two boys, one was killed at a bridge, some
26 guys jumped him, and the other one's still living.

27 Q In this lawsuit that's been filed, there are, I
28 think, fourteen plaintiffs or plaintiff households. Are

1 you related to some of the other plaintiffs in this
2 lawsuit?

3 A Yeah, one is my twin sister.

4 Q And which is that? or who is that?

5 A Helen.

6 Q Excuse me?

7 A Helen.

8 Q Are you related to any of the other plaintiffs?

9 A Yeah, to Cary.

10 Q And what's the relationship to Cary?

11 A My brother.

12 Q Brother?

13 A Brother. Marvin.

14 Q What's the relationship with Marvin?

15 A My brother.

16 Q Brother.

17 A And Josi, my sister. My father had wanted us to
18 all live around here, you know, to keep--I guess to stay
19 together, you know. That's why he willed some land to us,
20 give us land when he died.

21 Q Okay. Did you grow up the first eighteen years of
22 your life in this area?

23 A Right.

24 Q And where did you live when you grew up?

25 A In a--you mean, right here?

26 Q Yes.

27 A We had a little house in town here, and it got too
28 small so we moved out in the country. We had--well, there

1 was twelve kids out there together finally.

2 Q And where was that house out in the country and
3 when did you move there?

4 A We've been living out there--it was my father's
5 old place where Josi lives.

6 Q Okay.

7 A The real house was right next to it and that got--
8 it got too old and so they built a new house right around
9 the same location, though.

10 Q I'll show you what's been marked as Plaintiff's
11 Exhibit 1, which is a map showing area of the East Poplar
12 oil field. Can you show me on this map where it is that
13 you grew up or your father's place to farm that you
14 mentioned. Can you tell me--or show me on it, Exhibit 1,
15 where that was?

16 A (Deponent confers with his attorney.) Right here.
17 It's right by the river. Yeah, right here some place.

18 Q Okay, it's north of where Rickers live?

19 A Right, yeah. Right in here. I don't know about
20 this M19--M19. (Confers with attorney) M20. Yeah, it's
21 right there.

22 Q Would you just write on there, if you would
23 please, who currently lives on your old place? is it Josi?

24 A I think it is Josi.

25 MR. DOLAN: John, could we take a break?

26 MR. ROSS: Sure.

27 (OFF THE RECORD FROM 11:03 A.M. TO 11:09 A.M.)

28 Q (By Mr. Ross) During the break, we talked about

1 the location of some of the wells and some of the
2 plaintiffs in this lawsuit. Referring to this map,
3 Exhibit 1, I believe we identified as well M19 in Section
4 17 as the area where you grew up, is that correct?

5 A (By Deponent) Right.

6 Q And where you currently live is in Section 33 near
7 well M39, is that correct?

8 A Right, where I had the trailer.

9 Q And I believe you mentioned that you were related
10 to a number of the other plaintiffs in this lawsuit. Who
11 contacted you about joining the lawsuit or who decided to
12 bring the lawsuit? Can you give me a history of that and
13 your origin or decision to join the lawsuit?

14 A Well, I heard that the water was contaminated
15 through people, just. . .

16 Q And when did you hear that and from whom?

17 A Oh, I was in -- I think it was Public Health we
18 were talking. I don't know who I heard it from, but it was
19 about--I think it was about '88, '89, right around there,
20 I'm not sure.

21 Q And you think you heard that from someone in
22 Indian Public Health Service?

23 A Yeah, somebody was talking about it in--while I
24 was waiting for the pharmacy. I was getting pills there.

25 Q And who asked you to join in this lawsuit? And
26 let me make a note here for the record. I don't want you
27 to discuss anything that you've discussed with your
28 attorney, Mr. Dolan. But I'm just simply asking who you

1 discussed joining the lawsuit. Did somebody come to you or
2 did you go and ask to join or just to try to get a little
3 history of how you got involved in this lawsuit.

4 A Well, I was going to build a house out there after
5 I got out of the service.

6 Q What year was that?

7 A This was, ah, in, ah, '68, I had plans to build a
8 house out there. And I've still got new plans. I got some
9 from Williston for a log house, but it's different--
10 different company. I still plan on building out there.
11 But I want good water.

12 Q Well, my question was, how did you happen to
13 decide to join this lawsuit?

14 A Like I say, I heard about it through, ah--I think
15 it was Rene mentioned it, too.

16 Q And do you remember when that was?

17 A Ah, I really don't know when he told me, but maybe
18 it was after I heard it was bad water, maybe.

19 Q What year would that be, do you remember?

20 A I don't know. Maybe '88. I'm not sure.

21 Q Did someone ask you if you wanted to join this
22 lawsuit?

23 A Well, I wanted to join after I heard about it.

24 Q But did somebody ask you if you wanted to join or
25 did you-----

26 A No, I wanted to join myself.

27 Q Okay. And who did you ask if you could join the
28 lawsuit?

1 A I asked Rene if I could join.

2 Q And what did he say?

3 A He said, why not, because I had a house out there
4 before; and if I was going to build out there again, to
5 get--make sure you had clean water.

6 Q When you say out there, are you referring to the
7 area near well 39 on Exhibit 1?

8 A Well 39, when I was out there in 1974 to 1980, it
9 would always plug up, seemed like; and it had a little film
10 on there then. And that was in 1975, '76, right around
11 there. So, finally, I was having fights with my--with my
12 spouse, arguing about fixing this and fixing that, and so
13 we just split and I got rid of the trailer. That was in
14 1980.

15 Q So how long did you live on the property that you
16 now have that's around well number 39?

17 A About five years.

18 Q Okay, and that was approximately what years?

19 A 1975 to 1980. And after 1980, I had to either
20 stay with friends or relatives after that because I didn't
21 have no place to pay rent.

22 Q And during that time that you were out there, I
23 understand you had a trailer on the property 1975 to 1980?

24 A Yeah.

25 Q And what was the source of your water?

26 A It was a pump.

27 Q Was it-----

28 A Water pump, yeah.

1 Q Was it drawn from M39 as shown on Exhibit 1?

2 A Yeah, unhunh, the same well right there.

3 Q Do you know when M39 was drilled?

4 A It was the same year that I--I'm pretty sure the
5 same year that I moved out there; and I can't find the
6 history on it, though, on the well, because it--the guy
7 died but it should be kept with, ah--with, ah--I don't know
8 who keeps them records, BIA or somebody.

9 Q Who drilled the well, do you know?

10 A I don't know. I think it was Public Health.

11 Q What's the nature of your property that's located
12 near M39?

13 A It's farmland.

14 Q And you have an ownership or an interest in that
15 property around-----

16 A Yeah, I own all of it.

17 Q Okay, and do you own it--how do you own it, if you
18 understand my question? And I--do you own it as-----

19 A Through my father. He willed it to me. But I had
20 lived on there before he died.

21 Q Do you know the nature of the ownership? Do you
22 own it in fee? Do you own both land and the minerals or do
23 you lease it or do you have an allotted interest or do you
24 know the nature of the ownership?

25 A It's in trust land. It's trust.

26 Q When you say it's trust land, can you describe for
27 us what the nature of that ownership is?

28 A It's a--it's not no, ah--it's just Tribal land.

1 I mean, ah, if you take your land out of--out of, ah,
2 trust, it goes into--you can put patents on it or
3 something. You can get, ah--see, the bank, if you take
4 your land out of trust, then they'll give you loans on it,
5 because the Tribal government doesn't have no control over
6 it then.

7 Q Do you have an allotted interest? I thought I saw
8 somewhere in the document-----

9 A That happened in 1934, and I'm too--I wasn't even
10 born then. I think that was the last year that they had
11 allotment. But I do have an allotment number.

12 Q Do you have any documents that show or evidence
13 your ownership in that property?

14 A Right, at the BIA. If you don't have it, I can
15 get them.

16 Q Okay, if you would, please, I'd request that you
17 produce any documents that evidence the nature of your
18 ownership.

19 A Yeah, unhunh. And my Tribal ID, I've got that.
20 I've got that on me now if you want to see that.

21 Q That's fine. How much acreage do you have?

22 A Well, 40 acres I own there. And then my father
23 had a 320; and we all take part in that, and it's farmland.

24 Q Okay.

25 A And then there's little--small little parcels of
26 land that we inherited from my relatives.

27 Q Did your father own quite a lot of land in that
28 valley--that east of the Poplar river?

1 A I can't say because he might have--he might have
2 inherited it himself, you know. I don't know.

3 Q But in any event, the 40 acres that you have an
4 ownership in is located near M39, well M39?

5 A Yeah.

6 Q And you also have some sort of divided interest in
7 another 320 acres, is that-----

8 A Correct, unhunh.

9 Q And where is that 320 acres located?

10 A I don't--I can't give you the description, but
11 it's way north, probably up over by the oil fields.

12 Q Can you show me on Exhibit 1?

13 A I don't even think it's on here.

14 Q Okay.

15 A I don't even know the correct description. But
16 there's ten of us survivors.

17 Q Do you know the depth of well M39?

18 A Yeah, I think it was one. . . (Deponent confers
19 with his attorney.) 130 with a six inch diameter.

20 Q Okay.

21 A Yeah, that's my writing right there.

22 Q And you think that was drilled in 1975?

23 A 1975, right around there 'cause they knew I was
24 going to build a--bring a trailer. And I asked my father
25 about it and he said, well, put it over there. He already
26 owned it.

27 Q And when was well M39 used, during what period of
28 time?

1 A What it was used for?

2 Q When was it used?

3 A They drilled it in, I think, three or four months
4 of when we moved the trailer house out.

5 Q So that was 1975 and it was used from 1975 until
6 when?

7 A To 19--yeah.

8 Q Until 1980?

9 A Yeah, on and off.

10 Q And since 1980, has it been used, the water from
11 well M39?

12 A No, because we pulled the pump up.

13 Q And between 1975 and 1980, what were the uses of
14 the water taken from well M39?

15 A For dishes, showers, garden and stuff like that.

16 Q So for domestic purposes and also yard irrigation?

17 A Yeah.

18 Q You brought with you today the results of a water
19 sample from M39; and one of them, you said, was the results
20 of water sample from that well in 1993, is that correct?

21 A It must be, yeah. I don't know how to read this,
22 ah-----

23 Q I'm not sure I do either. But, in any event, you
24 think that Exhibit 3B is a sample from well M39, is that
25 correct?

26 A Yeah.

27 Q And the same with Exhibit 3C, it's your
28 understanding that that's the results of a water sample

1 from well M39?

2 A Yeah. I took this myself.

3 Q Okay. Other than the samples and the results
4 shown on Exhibits 3B and 3C, are there any other sample
5 results from water from well M39?

6 A No, this is it right here.

7 Q Okay.

8 A On my work experience, did you want to learn more
9 about that?

10 Q Sure, we can go back if you want to.

11 A Yeah.

12 Q Do you have something to add or clarify?

13 A On my work experience, now after I started working
14 for the drilling company, Bomac and Geophysical, and shot
15 holes and stuff like that. I was a derrick hand in a
16 workover rig. When I was working for Geophysical when we
17 pushed that dynamite down, we'd get good results, you know,
18 because the electric--when they set it off, it comes up and
19 they could tell just like a picture down there they say.
20 But, ah, sometimes that dynamite would get stuck; and so
21 they would set it off, and that would blow it up. It would
22 be a big crater. I don't know what that had to do about
23 it. But when we plugged them shot holes, I don't know how
24 many shot holes they would drill just to--just to hurry the
25 job up. We kind of--we'd kind of throw some rocks down
26 there and then plug it up, and it wouldn't be--really be
27 supervised just because the more holes you, ah--the more
28 holes you plugged up, the more you, ah--the better your

1 crew was. So that's what it was there.

2 Q Now, I understand you say you worked as an
3 employee for a geophysical company, is that correct?

4 A Unhuh. (Deponent indicates yes.)

5 Q And when did you do that?

6 A That was in the '70's and '80's. When I wasn't
7 working for BIA, I was a heavy equipment operator and truck
8 driver in off-season. This would fill in for the winter
9 time.

10 Q And where did you conduct this geophysical
11 activity?

12 A North of Poplar field. And then I worked in North
13 Dakota out of Watford City.

14 Q When you say North Poplar field-----

15 A Murphy field up here. And sometimes over here by
16 Volt--they've got Volt field up here, north of Wolf Point.

17 Q Did you ever conduct any geophysical activity in
18 the area shown on Exhibit 1?

19 A Exhibit 1.

20 MR. DOLAN: That's this one.

21 A (By Deponent) Oh, yeah. Yeah. Yeah, we worked
22 in this field.

23 Q (By Mr. Ross) Can you show me some of the areas
24 where you worked, did geophysical work in Exhibit 1?

25 A There's some wells over here. I'm not sure which
26 one it was, but it was a long time ago. But I remember--
27 this is the R-Y, right?

28 MR. DOLAN: Yeah, that's R-Y.

1 A (By Deponent) Yeah. It was around here and up
2 here. Yeah, if this is R-Y, yeah, right around here.

3 Q (By Mr. Ross) When you say R-Y, what are you
4 referring to?

5 A Regina Yellowstone, they call that. That's the
6 highway coming down from Canada.

7 Q So it would have been west of that?

8 A Yeah, unhunh. Yeah. And then we worked farther
9 on the--this is all oil wells around here.

10 Q Did you ever conduct or help conduct any
11 geophysical activity in the area shown on Exhibit 1 that
12 has this dark boundary?

13 A Yeah.

14 Q Did you ever conduct any geophysical activity in
15 that area?

16 A Yeah.

17 Q Do you remember when you may have done that?

18 A No. It was in the late 70's, 80's--80's.

19 Q Do you remember the name of the company that did
20 that geophysical work?

21 A They had grey trucks, ah, and I run one of them
22 vibratory--you just set on location, and it vibrates.
23 It's just like taking a picture down there or something
24 they say--oh, to see if there's oil down there.

25 Q But you don't remember the name of the company you
26 worked for?

27 A No--no, but I could probably get you the name.

28 Q Okay, could you do that, please?

1 A Yeah. But there was--there was quite a bit of
2 that going on; 'cause the faster your crew worked, well,
3 the better your crew were. And this didn't happen here, it
4 happened north of Wolf Point, too. There are gas wells,
5 too, some of them up there.

6 Q Do you know who had requested the seismic work?

7 A Since that oil-----

8 Q For example, was it-----

9 A Since that oil discovery come in, everybody--there
10 was a lot of companies drilling then. It was a boom town
11 here in the 50's.

12 Q So it's your understanding that a lot of oil
13 companies may have done seismic work?

14 A Yeah, unhunh.

15 Q What about the Tribe, did they do--request any----

16 A No.

17 Q ---seismic work?

18 A They didn't do no drilling themselves, no.

19 Q Did they do any--or request any seismic activity?

20 A Ah-h, I don't--you mean, did they request what?

21 A Did they ask someone to do some seismic work for
22 them so they could know what might--to get some
23 information, seismic information?

24 A I don't believe so. I don't. . . For the Tribe
25 themself, you mean?

26 Q Yes.

27 A Unless it was Land Committee or something like
28 that.

1 Q It's possible that the Tribe may have requested
2 some of the seismic activity?

3 A I don't know. Could be, I guess. I don't know.
4 Anybody could request it, I suppose.

5 Q So just to make sure I understand, you worked as
6 a geophysical hand sometime during the 70's and 80's in the
7 Poplar oil field?

8 A Unhunh. Yeah, off season.

9 Q Okay. And did you do any other type of work in
10 the oil field?

11 A Yeah, drilling and dynamite.

12 Q Okay, and can you tell me where you worked in the
13 drilling activity or can you tell me what wells you worked
14 on?

15 A I don't know what wells they were. It was for
16 Bomac. And I think at first it was Great Northern; and
17 Bomac bought out Great Northern, and I don't know who
18 bought out Bomac.

19 Q Do you know where the well was located that you
20 worked on? or wells?

21 A Any place, even across the river, all over.

22 Q Did you actually work on some of the wells in East
23 Poplar oil field that are shown on Exhibit 1?

24 A Yeah, unhunh.

25 Q But you don't remember the date-----

26 A I don't remember which one. No date, no. It was
27 a long time ago.

28 Q Okay. Were you ever aware of a pipeline that

1 carried hot water from the East Poplar oil field into the
2 City of Poplar? Did you ever hear of that?

3 A No.

4 Q When you-----

5 A I know there's a pipeline there coming down from
6 Canada.

7 Q Do you know the nature of that pipeline, where
8 it's located?

9 A Yeah, to bring oil down here from the north slope,
10 right?

11 Q Does that run through the East Poplar oil field?

12 A I don't know.

13 Q Okay. During the time that you were on the 40
14 acre property located near well M39, did you experience any
15 problems with the water?

16 A It would get mulky-like film. There would be a
17 film to it. Now, when we took this sample, I thought maybe
18 because we could only get five gallon bucket, seemed like,
19 at a time. So I thought maybe it was caved in around the
20 cabin there, you know.

21 Q And when was that?

22 A That was when we took the sample.

23 Q And are you referring to the most recent sample
24 that you took this May?

25 A Yeah, unhunh.

26 Q How did you take this sample, and who took the
27 sample that is shown on Exhibit 3C?

28 A Yeah, Rene took it, and I was right there, and I

1 wanted to get a sample from it. He was there taking it.

2 Q Okay, and how did he take it again?

3 A With a--with a portable pump.

4 Q Pumped the water out and then sent that to the
5 lab, is that right?

6 A Yeah, unhunh.

7 Q Any other problems that you noticed with the water
8 during the time that you lived on the property from 1975 to
9 1980?

10 A It didn't taste very good.

11 Q Did you ever discuss those problems that you
12 thought you had between 1975 and 1980--did you ever discuss
13 those during that time period with anyone?

14 A Yeah, with my father.

15 Q Other than your father, did you ever discuss it
16 with anyone?

17 A No, hun unh.

18 Q Did you ever have the water sampled during that
19 period of 1975 to 1980?

20 A There was a sample but they lost it.

21 Q Yeah, but you say-----

22 A It was when they first took it, that was the
23 history of the--it most of been in seventy--'74, '75, right
24 around there.

25 Q Okay.

26 A And they don't even have the--where the--where the
27 well was drilled or anything like that.

28 Q So as far as you know, the well M39 was sampled

1 around 1975 and then was sampled again in 1993 and then
2 recently in 2001?

3 A Yeah.

4 Q Other than those three samples, are you aware of
5 any other samples of M39?

6 A No, hun unh.

7 Q Was the water that you took from M39 ever treated?
8 Did you ever have any conditioner, soft water conditioner?

9 A Yeah, we had a--they put it in a--some filters and
10 stuff like that. They put it inside the bedroom, the
11 master bedroom. They had some kind of a pressure tank in
12 there and some filters, I think.

13 Q Did that treatment process use salt or?

14 A I'm not sure what it was. I know it took up that
15 whole closet. I know that.

16 Q Did it have any sort of disposal associated with
17 it or was it just sort of an in-line treatment process?

18 A It was inside, yeah, inside the building.

19 Q Was there any discharge from that treatment
20 process?

21 A Ah, I think there was.

22 Q And where did the discharged treatment water go?

23 A Right on the ground. Either that or in the sewer.
24 We had a-----

25 Q And where--you were on a septic process?

26 A Yeah, the septic tank is still out there.

27 Q Where is--what's the location of the septic tank
28 in relationship to M39 well?

1. A Well, the plastic--the one that comes out of the
2 ground that goes to your septic? That's been all broke off
3 because it's farming right now. It's covered up, I mean.

4 Q Okay. Where was the septic system drainfield
5 located in relation to M39?

6 A Well, it had a drain field, I think, about 70 feet
7 away from the well. But it was down, away from the house.

8 Q So the drain field was about 70 feet from the M39?

9 A I think so, yeah. Maybe more, maybe a hundred
10 feet, I don't know how they build them.

11 Q Okay. Have you looked at any other methods of
12 treating the water from M39?

13 A Well, I heard there was this RO, reverse osmosis,
14 'cause I talked to a farmer who had one.

15 Q And do you know what the cost of that sort of a
16 system would be for a. . .

17 A He didn't tell me how much he paid for it, but he
18 said they're pretty expensive.

19 Q But you don't have any cost estimates?

20 A No, I don't.

21 Q Have you looked at any other alternative water
22 supplies on the 40 acres that you own near M39?

23 A Well, I heard they were going to build a pipeline,
24 but I doubt if that'll ever happen. When I see water
25 coming out of a spout, then I'll believe it. I don't--I
26 don't think that'll ever happen. There's supposed to be a
27 water line coming north, north Poplar or some place.

28 Q What's your understanding of when that would be

1 built?

2 A I don't know. I don't--I'm not even sure if it's
3 started.

4 Q Now, you were on the property from 1975 to 1980.
5 Why did you leave in 1980?

6 A Because of plugging up water and my wife she would
7 get mad at me because we had water problems and other
8 things. So too many problems so we just--just put-----

9 Q Were there other reasons or problems why you left
10 in addition to the water?

11 A Well, telephone bills and stuff like that.

12 Q So there were other reasons why you left besides
13 the water?

14 A Ah, yeah, but water was one of them, too.

15 Q And what again were the specific problems with the
16 water?

17 A It would get mulky like, grey, and it had a--some
18 kind of a film, and it would kind of--I can't say--
19 sometimes it would smell real funny.

20 Q Do you know what caused that?

21 A I don't know. When I do build back out there, I'd
22 like to have a good place for my boy, my only boy left. So
23 when I do pass on, well, then he could have good water for
24 the rest of his life.

25 MR. ROSS: I have no further questions. Thank you.

26 EXAMINATION BY MR. STERUP:

27 Q Mr. Youpee, my name is Rod Sterup. I represent
28 Samson Hydrocarbons which used to be known as Grace

1 Petroleum. Have you ever spoken with anyone from Grace
2 Petroleum that you can recall?

3 A I think I worked for Grace. I'm not sure.

4 Q When do you think you worked for Grace?

5 A In '84, '85.

6 Q What do you think you were doing?

7 A Um-m, were they plugging wells then? I'm not sure
8 but I heard of the name, though.

9 Q How about Samson Hydrocarbons?

10 A I've never worked for them.

11 Q You mentioned that you had done some work in East
12 Poplar field from time to time, seismic work?

13 A Yeah.

14 Q You can't recall the name of the company that you
15 worked for, is that correct?

16 A I can't recall, no. One was J & J Shothole
17 Plugging. It was half Indian owned. They have to do that
18 to work on a reservation, and he was from New Town. And
19 there's others. They ultimately--these companies would
20 just--overnight they'd appear, you know. They'd want to
21 get in on the money because of the oil company. Seemed
22 like every week there was another company ready to go to
23 work.

24 Q You would typically work for these companies
25 during the off season?

26 A Yeah, when I wasn't working for the BIA, for heavy
27 equipment and driving truck and laborer, 'cause that's
28 seasonal. I built the roads and stuff like that, you know.

1 Q What months of the year typically would you have
2 worked for the BIA?

3 A In the '70's and '80's.

4 Q What months of the year? in the spring and summer?

5 A Probably from April to August, maybe September.
6 You know, it depends on when the snow--when you can't work.

7 Q And this was construction type work, I take it?

8 A Right, yeah.

9 Q When the construction season ended, you would then
10 pick up work in the off season from time to time with
11 various oil companies, drilling companies?

12 A Yeah. If they needed help, yeah. And drilling
13 companies, too.

14 Q Was that generally true during the '70's and
15 '80's, you would pick up that type of work in the off
16 season when you could?

17 A Yeah, to fill up--supplement my income, you mean?
18 Yeah.

19 Q Would you typically have worked for one of these
20 companies every off season during the '70's or '80's or
21 would there be a period of years when perhaps you would not
22 get that type of work during the off season?

23 A Well, sometimes they wasn't around so we didn't
24 have to do nothing, like unemployment or something like
25 that--draw unemployment.

26 Q So I take it, it was spotty work and there might
27 be a period of several years when you wouldn't have that
28 type of work available. Is that accurate?

1 A Ah-h, yeah, it would. But after they moved out of
2 here--seemed like it was going strong in the '80's. And
3 after the boom stopped, well, then they all pulled out and
4 went down to Texas, it seemed like. They all went south.

5 Q You mentioned Grace Petroleum and the possibility,
6 at least, that you did some work for Grace Petroleum. Do
7 you recall who your boss or supervisor was?

8 A No.

9 Q Do you recall what type of work you may have been
10 doing?

11 A I think it was shot hole plugging. I'm not sure.
12 I might have worked for them maybe a week. 'Cause they--
13 when they finish a job, then they're out some other place.
14 I know that the company that I was working for they moved
15 from here, they went out to Rock Springs, Wyoming. You
16 might try down there for--right at Rock Springs. They
17 wanted me to go with them, but I was a truck driver then,
18 too; so they had me running back and forth with the truck,
19 driving trucks, because nobody else could drive them.

20 Q Do you recall any other members of the crew during
21 that week or so that you worked for that particular outfit?

22 A I think one was Richard--it's not Richard Hawk,
23 but if I think of his name, there's one other guy, yeah.
24 I could, ah--I could tell you, I mean. I can't think of it
25 right now.

26 Q And if you had to put a date on that particular
27 work, what year do you think it was?

28 A Around '82, '83, '84, right around there.

1 Q Aside from that one week or so of work, shot hole
2 plugging as you put it, do you have any other recollection
3 of doing any work for Grace Petroleum?

4 A No, just for, ah--that was the only one for them.
5 Maybe the--yeah, I think that was the only one for them.

6 Q Do you recall any problems or difficulties with
7 that week's worth of work that you did? anything unusual
8 about it?

9 A Nope.

10 Q And I'm sorry, what sort of work were you doing?
11 You were driving a truck back and forth?

12 A I was, ah--nobody had a CDL to haul that equipment
13 back and forth, so they--I had one so that's what I was
14 doing, transporting the machinery and equipment back to
15 Rock Springs.

16 Q So you were driving from Montana to Rock Springs,
17 Wyoming----

18 A Right, unhunh.

19 Q ---transporting equipment for this particular
20 outfit that was doing the plugging?

21 A That was--yeah, right.

22 Q Aside from coming-----

23 A And they had them vibratory--them trucks, them big
24 wheels on them, you know, for location. You've seen them
25 before, right? There's a big truck with big wheels, and
26 they vibrate right on location; and they tell if there's
27 oil down there.

28 Q So aside from being in the East Poplar field or

1 the North Poplar field, whichever it may have been, long
2 enough to pick up the equipment and take it down to Rock
3 Springs, were you physically present when the work was
4 being done?

5 A Yeah, unhunh.

6 Q What were you doing?

7 A I was either drilling--you mean, what kind of work
8 are you talking about now?

9 Q We're talking about this week's worth of work that
10 you did.

11 A Plugging up shot holes.

12 Q What were you doing? What was your role? What
13 task were you performing?

14 A What what?

15 Q What task were you performing?

16 A Ah, plugging it up.

17 Q Describe-----

18 A See, the hole's already drilled, and what you do
19 is go by and plug them back up.

20 Q And describe what you did, what part you played in
21 that process.

22 A Well, I was--before that I was a dynamite--and it
23 would--it would--they would--after you set the dynamite
24 off, there'd be wires on there. I don't know how they did
25 it, but it would locate where the oil was or if there was
26 no oil or not. They had another truck out there, too,
27 Slumber J. I'm not sure if that was the right one, but he
28 would record whatever went off down there. They had

1 electrical wires around there, too.

2 Q You mentioned that you got out of the service in
3 1968 and, at that point, you wanted to move to this area
4 around M39. Was that your intention at that time?

5 A Yeah. I've always wanted to come back and live
6 here, yeah.

7 Q Did you move to that location in 1968?

8 A I moved back home, yeah.

9 Q Did you-----

10 A But not to this location. This well wasn't even
11 drilled then.

12 Q Why did you not move to that location in 1968?

13 A Because I was farming with my father, helping him
14 on the farm.

15 Q Where were you living between 1968 and 1975?

16 A Right with--at the old homestead.

17 Q And the old homestead is the farm out in the
18 country where you and the other children grew up?

19 A Yeah.

20 Q My notes reflected that at some point you lived in
21 the city and then the family moved out to the farm or to
22 the country. About when did you and the family move out to
23 the country, if you could put a year on it.

24 A Well, my--it was real young and we, ah--my father
25 worked for the shipyards out at Portland when we was real
26 young, and then he got on the Tribal board back here. And
27 that's when we moved back here for good. And I was
28 probably about 7 or 8, I'm not sure.

1 Q You say moved back here for good.

2 A Well, we went to school over there. He was
3 working over there for the shipyards when the war was--
4 right after the war. There was good money over there, and
5 there wasn't no work around here.

6 Q So at a time when you were very young, I take it,
7 you lived outside Montana?

8 A Yeah, unhunh.

9 Q And at some point, you and the family moved back
10 to Montana and moved out to the country. About what year
11 was that?

12 A Um-m, when I was in junior high, in the '50's.

13 Q How long did you then live on the family place out
14 in the country before going out on your own?

15 A I lived there until I--well, I went to college in
16 '61 to '63, and then from '63 I joined the service til '66.
17 Then after I got out of the service, I started working for
18 building bridges for two years; and then after that I
19 started working for the oil business and BIA.

20 Q In the years when you still lived on the family
21 place in the country, what was the water quality like?

22 A It was good, just like spring water, just like
23 artesian well.

24 Q How about when you moved out to the area around
25 M39 in 1975? What was the water quality like?

26 A It was okay at first, and then seemed like it
27 would get mulky.

28 Q When you moved out to the area around M39 in 1975,

1 who else was living on that property?

2 A My wife.

3 Q What was her name?

4 A Do I have to mention her name?

5 Q Yes.

6 A Louise Boyd.

7 Q Was anyone else-----

8 A I don't associate with her at all now.

9 Q How long has that been the case?

10 A Hunh?

11 Q How long have you not been associating with her?

12 A Quite a while.

13 Q Who else was living on the property aside from you
14 two?

15 A That was it.

16 Q You mentioned some children. Were they living on
17 the property between-----

18 A Well, yeah, my little boy. He was with us.

19 Q Between 1975 and 1980?

20 A Unhunh. (Deponent indicates yes.) He was born in
21 1971, I think.

22 Q What's his name?

23 A Allen.

24 Q You mentioned that at the time you left the
25 property in 1980, you split with your wife. Was there a
26 divorce at that time? separation?

27 A Well, we never did get married.

28 Q I see. Was there a separation in 1980?

1 A Yeah, unhunh.

2 Q And you also mentioned at that point, apparently,
3 you sold the trailer or?

4 A Yeah, got rid of it, because the pipes were--pipes
5 were getting rusty and stuff like that.

6 Q Where did you then live after splitting with her?

7 A After there, I moved to Wolf Point. Stayed with
8 some friends up there til about 19--til about 1980.

9 Q Was the reason for leaving the area around M39 the
10 breakup in the relationship, and you went your way and she
11 went her way? Was that what brought that about?

12 A Well, there was other problems, too. Her brothers
13 would be drinking, coming around and stuff like that, and
14 I didn't like that.

15 Q Anything else?

16 A Well, it was. . . Well, that's about it.

17 Q You mentioned a son that you would like to pass
18 the property on to. What is his name?

19 A Allen.

20 Q That's Allen.

21 A Unhunh. (Deponent indicates yes.)

22 Q Where does he live?

23 A I think he lives in Wolf Point right now.

24 Q You think he does?

25 A He was down in Bismarck. He went to school down
26 there and then it didn't pan out, so he moved--he moved
27 back--I think he does work for the--he works for an oil
28 company right now. I'm not sure. Or for Albertson's, I

1 think it was. But he worked for the oil companies, too.

2 Q Have you spoken with him recently?

3 A Ah, in about the last four months.

4 Q So you think he's in Wolf Point at this time?

5 A I think so, yeah.

6 Q You're not sure though?

7 A I'm not sure.

8 Q What use has been made of that 40 acres since 1980
9 through the present?

10 A What the what?

11 Q What use has been made of that 40 acres?

12 A Farming, farming land. It's farm land.

13 Q Who is farming it?

14 A I have a lessor.

15 Q Who's that?

16 A Ah, Sage. But before that, I had a--there was
17 another lessor, Lockman. He has a bunch of land right--
18 right near my land there, big farm. And he never did--he
19 never did use his water. He always hauled his in.

20 Q Since 1980 through the present, that 40 acres has
21 always been leased by you to somebody else?

22 A Um, Lockman and Sage.

23 Q How much do you get for leasing that acreage?

24 A For them leasing it from me?

25 Q Yes.

26 A About 680 a year.

27 Q That's the present rate? That's what you're
28 getting now?

1 A Yeah, unhunh.

2 Q Has that changed over the years?

3 A Probably by about \$40--40 or 50 dollars.

4 Q So it's about 40 or 50 bucks a year more now than
5 it was back in 1980?

6 A No, it's a little more now. Back in 1980, it was--
7 -it wasn't that much then. But right now, it's about 680
8 right now.

9 Q About how much was it in 1980?

10 A Ah, then--then the--I think my father was taking
11 care of that part then. See, I didn't inherit it until he
12 died.

13 Q When you first started leasing it, whatever year
14 that may have been, about how much were you getting?

15 A Ah, I think about 580.

16 Q Have you ever lived outside of Montana, aside from
17 your years in the service, of course?

18 A Yeah, I told you I lived in Portland, Oregon when
19 I was young.

20 Q You're right, you did. As an adult, have you ever
21 lived outside of Montana aside from being in the service?

22 A Ah, when I was working, I lived in Watford City.
23 And when I was going to school for heavy equipment school,
24 I lived in Missoula for a year. And I took a trip out to
25 Portland--I mean, to California. I have a sister out
26 there, and I stayed with her about four months.

27 Q Aside from that, you've always lived in the Poplar
28 area?

1 A Yeah.

2 MR. STERUP: That's all I have. Thanks.

3 EXAMINATION BY MR. FAGAN:

4 Q Allen, my name's Gerry Fagan. I represent
5 Marathon Oil.

6 A Unhunh.

7 Q When you were talking about when you split up with
8 your wife in 1980, did the split-up and you moving off the
9 property and selling a trailer all happen at the same time?

10 A Well, it--not all at the same time. It was
11 building up because her brothers they would come around,
12 and she would get mad if I would say something, but she'd
13 be drinking, you know, she would start it, too. I was
14 drinking then, too, so. I quit drinking now for good. I
15 don't do that anymore.

16 Q When you decided to split up with her, did you
17 also move off the property at the same time and sell your
18 trailer?

19 A Right about the--right about then, yeah. Pretty
20 close to it.

21 Q Did the water ever taste salty on the property
22 when you lived on it?

23 A It'd taste, um--it had a funny taste. It smelled
24 bad. It wasn't a skunky smell, it was something else.

25 Q Taste any salt in it?

26 A I can't remember that.

27 Q Hard to say. Just tasted bad?

28 A Yeah, tasted bad.

1 Q You said that you heard that the water--you
2 overheard the water was contaminated back in about 1988 or
3 1989?

4 A Yeah.

5 Q And then you also heard that Rene Martell was
6 planning a lawsuit?

7 A I didn't hear that he was planning a lawsuit. I
8 heard somebody was planning one.

9 Q I thought you testified you talked to Rene
10 Martell?

11 A Yeah, I did. I talked to him, but I didn't know
12 it was him that was planning it.

13 Q Oh, I see. So you heard later that-----

14 A Yeah, um-hm, yeah.

15 Q And that's all about the same time, 1988, 1989?

16 A Yeah.

17 Q So you heard that there was a lawsuit being
18 planned-----

19 A Yeah.

20 Q ---against the oil companies?

21 A Because the water was bad, yeah, water table.

22 Q Are there oil wells around the property around
23 M39?

24 A Um-m, nope.

25 Q Can't see any from there?

26 A I can't--there is, yeah, but you can't see them,
27 though. There is.

28 Q But you just can't see it from where your property

1. is at?

2. A Yeah.

3. Q I take it, you're always pretty aware of the oil
4 activity since you worked in-----

5. A Oh, yeah.

6. Q Did you ever suspect that the oil activity or the
7 companies were causing the water problems?

8. A Well, with all that drilling going on, I figured
9 something was going to happen.

10. Q And when was this?

11. A In, ah--in the 70's.

12. Q So back in the 70's, you were thinking of
13 something that was going to happen-----

14. A Seventies and 80's. And even the way that we were
15 plugging the holes, you know, you're supposed to be doing
16 it right, you know. Nobody would be watching us out there.

17. Q Were you not doing it right?

18. A Well, just throwing rocks down there and plug them
19 up with dirt. You're supposed to put cement in there, too.
20 And you're not--we weren't doing that.

21. Q And you were expecting then that that could
22 possibly cause problems with the water?

23. A Well, it could. I figured that probably was one
24 of the problems, you know.

25. Q Did you talk to anybody about not plugging
26 correctly?

27. A No. Hunh unh.

28. Q Did anyone ever talk about that?

1 A No, not--you mean, just plug them up with rock,
2 you mean?

3 Q Not--did you ever talk about it with co-workers or
4 friends or relatives about that? not doing it properly
5 might cause water damage?

6 A No. Hunh hunh. We were just in a hurry to get
7 off location.

8 Q You said that you suspected back in the 70's and
9 80's that oil activity might be causing problems with the
10 water?

11 MR. DOLAN: Objection to the form of the question. That's
12 not the testimony.

13 Q (By Mr. Fagan) When did you say that you
14 suspected that oil activity might be causing the problems
15 with the water? or did you say that?

16 A (By Deponent) To water?

17 Q Did you suspect that the oil activities might be
18 causing problems with the water?

19 A In the--with all the oil companies around here
20 then, I figured there would be problems.

21 Q With the water?

22 A Well, with the--yeah, probably with the water.

23 Q And what time frame are we talking about?

24 A What?

25 Q What time frame are we talking about? what years?

26 A In '75, right around there.

27 Q Did you ever talk with any friends or relatives
28 about those concerns that-----

1 A No, why, ah--not really, hunh unh.

2 Q Ever talk to any Tribal officials or----

3 A No.

4 Q ---any government officials?

5 A No.

6 Q Public Health people?

7 A I don't know if Public Health knew about it or
8 not.

9 Q But you never talked with them?

10 A No, hunh unh.

11 Q Had you ever heard about any previous lawsuits
12 against any oil companies?

13 A No.

14 Q Have you ever heard of any wells operated by
15 Marathon Oil?

16 A I heard of the name before, yeah.

17 Q But have you heard about any wells that they
18 operated?

19 A No.

20 Q How about Texas Oil and Gas?

21 A No.

22 Q Or TXO?

23 A Champion, I heard.

24 Q But not TXO?

25 A No.

26 Q And I take it you never talked to any employee of
27 either-----

28 A No, hunh unh.

1. Q --- any of those companies? So you're not aware
2 of any problems that those companies may have caused?

3 A No.

4 Q Correct?

5 A No.

6 Q Are you claiming any physical injuries due to the
7 water?

8 A Well, I got asthma.

9 Q Do you think-----

10 A I don't know if that has anything to do with it.

11 Q Has anyone ever told you that it has anything to
12 do with it?

13 A No, hunh unh.

14 Q Any other health problems that might be related to
15 the water?

16 A No.

17 Q So do you think your land would be worth more if
18 it had better quality water?

19 A Yeah.

20 Q For farming?

21 A Farming and living there. I think it's down in
22 value because of the water now. Like, if somebody wanted
23 to buy my land and put a house there, I think, they'd
24 probably think twice about it--about my water, you know,
25 the water value.

26 Q If you put a house back out there,-----

27 A I'm gonna.

28 Q ---would you continue to farm it?

1 A Yeah, um-hm.

2 Q And when you were talking, I think you said \$680
3 you received for the lease on the farm.

4 A Yeah.

5 Q Is that per acre or is that total?

6 A That's total for the whole--for the year.

7 Q Okay.

8 A Yeah.

9 Q What kind of crops are raised on the land?

10 A Wheat.

11 Q Has it always been wheat?

12 A Wheat, barley and weeds.

13 Q Did you say the current leaseholder is trucking
14 water onto it to farm with or was that the previous person?

15 A What's that?

16 Q Does the current person that's farming, does he
17 use the water available on the property?

18 A No, he doesn't, just rain water.

19 Q But he's not bringing water onto the property?

20 A No. No, he's--the well's not even being used for
21 nothing right now.

22 Q Did you say--maybe I misunderstood, but I thought
23 you said that one of the farmers actually brought water
24 onto the property.

25 A That was Willie Lockman. Ah, he lives near where
26 my land is, but he's got a well there, but he always
27 brought his drinking water in a big tank. He brought it
28 from town.

1 Q Oh, his drinking-----

2 A Ever since--yeah, ever since I've been in grade
3 school, he's always hauled water to his house.

4 Q But he wasn't bringing water on the property to
5 farm with?

6 A Not to mine--no, hunh unh. No, not to mine.

7 Q I misunderstood.

8 A His place.

9 Q Do you have any fear of contracting any disease
10 because of the water?

11 A Anything could happen.

12 Q But do you actually think the water may be causing
13 a particular disease?

14 A I don't know. Nobody knew about this Mad Cow
15 disease, and all of a sudden that popped up. Maybe that's
16 caused by water.

17 Q But nobody's ever told you anything like that?

18 A No, hunh unh. No.

19 MR. FAGAN: I have no further questions.

20 EXAMINATION BY MR. WEBSTER:

21 Q Allen, my name is Mike Webster, and I represent
22 Murphy Exploration. In response to an earlier question,
23 you indicated that your land out there did have a septic
24 system in place?

25 A Unhunh. (Deponent indicates yes.)

26 Q Did you ever have problems with this septic system
27 while you were living out on that property?

28 Q You mean, from the house to the drain, you mean?

1 A Just, did you ever have problems with the way it
2 functioned where you had to get it repaired or anything
3 like that?

4 A Well, we put in another pump. That's the only
5 problems we had because it was mulky all the time, you
6 know.

7 Q The water was?

8 A Yeah, the water--and I think what happened is it
9 burnt
10 --it burnt the motor out trying to get water. It might
11 have been, ah--so we put it in a sand trap, I think they
12 call it.

13 Q To keep the sand-----

14 A I don't know, yeah. Yeah. But it seemed like it
15 was always mulky like. It wasn't real clear, you know, but
16 we used it.

17 Q That was your fresh water, though, right, coming
18 from your pump?

19 A Yeah.

20 Q But as far as the septic system or the drain field
21 or that for your sewage and other waste, did you ever have
22 any problems with it while you lived out there?

23 A No, from the trailer to the--yeah. No, it always
24 flushed.

25 Q Part of your problem with the well was sand
26 related, is that right?

27 A I think so.

28 Q And when you put the new filter on the pump, then

1. did that work better?

2 A It worked. It worked for--yeah. I think it was
3 a red--what do they call it, a red jet or? red jet pump?

4 Q I don't know.

5 A Oh.

6 Q Did you have ever any contact or discussions with
7 any representatives of Murphy out there? Have you ever
8 talked to Murphy employees?

9 A I know people who work for Murphy.

10 Q Have you ever talked to any of them about your
11 water situation?

12 A No.

13 Q Have you ever talked to any of the USGS people
14 when they came out and they did these various studies? Did
15 you ever talk to any of them about your water?

16 A Ah, I think they sent me a letter, but I didn't
17 even pay attention to it.

18 Q But you didn't have any--you didn't go visit with
19 any of them or talk to them when they were in the field?

20 A No, hun unh. No, hun unh. Yeah. A good friend
21 of mine I know worked for Murphy, he just died, and I went
22 to his funeral. Trottier. I don't know if you know him or
23 not.

24 Q He was down at a basketball tournament as I recall
25 and had his heart give out. Did you ever see any problems
26 with oil field activities, oil wells, disposal systems, any
27 of that out there?

28 A I would see these trucks dumping water in

1. disposable wells, they called it. But see, not all the
2 time.

3 Q Do you know where that occurred?

4 A I didn't really know what they were doing, but I
5 knew they were doing something, you know. That's what I
6 heard that they were dumping water in a disposal well.

7 Q Do you know what time framework that was?

8 A That was in 70's and 80's.

9 Q Seventies and 80's?

10 A Unhuh.

11 Q And you don't know what companies those were or
12 who owned those trucks?

13 A I don't know who--with the trucks. I knew they
14 were oil trucks, that's all I know.

15 Q And your understanding, at least, was that what
16 they were doing was dumping salt water into disposal wells?

17 A Yeah, disposal wells. Because I remember you'd
18 see a truck come out of there with crude oil. They've got
19 their own stations, right? treaters or something like that.

20 Q Okay. Have you had any discussions with Tom
21 Osborne, who was----

22 A No.

23 Q ---a fellow that came out and collected water
24 samples a few months ago?

25 A Didn't talk to me.

26 Q Allen, in some answers that have been filed here,
27 there was an indication that the water became unsuitable
28 for drinking about 1976, is that right?

1. A Yeah, it would--film--film like.

2 Q And you continued to live on the property until
3 1980?

4 A Well, we, ah--we, ah, had our own, ah--see, she
5 would go to Brockton, and I would go out home. We didn't
6 live there steady all the time.

7 Q When you lived there after 1976 when the water got
8 to where you no longer drank it, what did you do for
9 drinking water?

10 A We didn't--you mean, ah, to wash stuff, you mean?

11 Q No, I mean to drink. If you wanted a drink of
12 water, what did you do for-----

13 A We hauled--we brought water to the--to the
14 trailer.

15 Q Okay, so from 1976 until you moved out of the
16 trailer, if you wanted to have drinking water, it was
17 hauled out there?

18 A Yeah.

19 Q The rest of the water-----

20 A It'd be in gallon jugs, something like that.
21 There wasn't no big amount.

22 Q So you weren't out there all that much?

23 A Well, we were out there, but, like I say, we were
24 in arguments seems like all the time.

25 Q You didn't have cause to drink a whole lot of
26 water?

27 A Yeah, right.

28 Q Also, I believe in your answers that have been

1 filed in here, Allen, there was a reference that in 1976 or
2 thereabouts that you visited with the Indian Health Service
3 about your water? Do you recall that answer or do you
4 recall those visits?

5 A Somebody talked--I can't remember who it was. I
6 think they did talk to me, though.

7 Q Do you recall what was said at all about that?

8 A I think it was about contamination or something.

9 Q And do you recall what was said about
10 contamination?

11 A No.

12 MR. WEBSTER: I think that's all I've got.

13 EXAMINATION BY MR. DOLAN:

14 Q And, Allen, I just have one question for you.
15 You've testified that you thought there was talk of a
16 lawsuit in 1988 or 1989. When did you talk to Rene Martell
17 about joining a lawsuit? Did you talk to him about joining
18 a lawsuit prior to joining this lawsuit?

19 A No, I don't think I did.

20 Q The only lawsuit that you've ever talked to anyone
21 about or heard about is this lawsuit?

22 A Yeah, unhunh. Yeah.

23 Q So, I want to represent that I represent Rene and
24 started discussions with him in 1998.

25 A Oh. What did I say?

26 Q You said '88 or '89.

27 A No, hunh unh, not-----

28 Q Did you mean a different time?

1 A Yeah, I meant the different, ah-----

2 Q Did you mean this lawsuit when everyone was-----

3 A Not '88, it was ninety--this one here, yeah.

4 Q Okay, so 1998 is about the-----

5 A Yeah, '98, yeah.

6 MR. DOLAN: Thank you. That's all I have.

7 MR. ROSS: No further questions.

8 MR. STERUP: Nothing further.

9 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS THEN
10 CONCLUDED AT 12:19 P.M.)
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CERTIFICATE

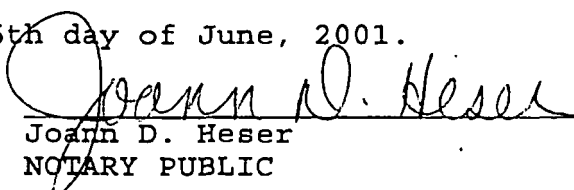
STATE OF MONTANA)
 : ss.
COUNTY OF ROOSEVELT)

I, JOANN D. HESER, Official Court Reporter, Fifteenth
Judicial District, and a Notary Public duly qualified in and for
the State of Montana, hereby certify there came before me the
deponent herein, namely ALLEN YOUPEE, who was by me duly sworn
to testify to the truth and nothing but the truth concerning the
matters in this cause.

I further certify that I was the Official Court Reporter
who reported, by means of LANIER recorder, this deposition. The
testimony therein and other proceedings herein contained are a
true and correct transcription of the original tapes and my
notes, TO THE BEST OF MY ABILITY.

I further certify that I am not related in any manner to
any party, witness, or counsel and have no financial or other
interest in the outcome of the above entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my Notarial Seal this 15th day of June, 2001.


Joann D. Heser
NOTARY PUBLIC

My Comm. exp. 7/2/2004

DEPONENT'S CERTIFICATE

I, ALLEN YUPEE, do hereby certify that I have read the foregoing transcript of my testimony and that the same is a full, true and correct record of my deposition except as to any corrections I have listed on the Corrections to Deposition form.

_____ Changes and corrections made.

_____ No changes or corrections made.

ALLEN YUPEE

Subscribed and sworn to before me this _____ day of _____, 2001.

NOTARY PUBLIC for the State of Montana
Residing at _____, Montana
My Commission expires _____

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CORRECTIONS TO DEPOSITION

The Deponent, ALLEN YUPEE, states he wishes to make the following changes in testimony as originally sworn:

[illegible]

ALLEN YOUNG

21
22
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27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

CARY G. YOUPEE, et al.,

Plaintiffs,

vs.

MURPHY OIL USA, INC., et al.,

Defendants.

Cause No. CV 98-108-BLG-JDS

Judge Jack D. Shenstrom

MESA PETROLEUM and PIONEER
NATURAL RESOURCES, USA, INC.,

Defendants/
Third Party Plaintiffs &
Cross Plaintiffs,

vs.

AMARCO RESOURCES CORP.
BESTWAY INC.; WESTDALE
PETROLEUM INC.; and THE
PRUDENTIAL GROUP,

Third Party Defendants,

vs.

JOHN DOES 4-50,

Cross-Defendants.

TIME: Monday, June 11, 2001 at 10:48 a.m.

PLACE: Sherman Motor Inn, 200 East Main, Wolf Point, MT

DEPOSITION

OF

ALLEN YOUPEE

DEPONENT:

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BE IT REMEMBERED: That the oral deposition of ALLEN YOUPEE was taken at 10:48 a.m. on the 11th day of June, 2001 at the Sherman Motor Inn, 200 East Main, Wolf Point, Montana, with the appearances of counsel hereinbefore noted, before Joann D. Heser, Official Court Reporter and Notary Public for the State of Montana.

Diane Faye, of Attorney's Video Service of Montana, present to videotape the proceedings, placed an introduction onto the videotaped record. The following proceedings were then had:

Whereupon,

ALLEN YOUPEE

called for examination, and being first duly sworn upon his oath, testified as follows:

EXAMINATION BY MR. ROSS:

Q Mr. Youpee, my name is John Ross, and I represent one of the defendants in this case and that is Pioneer Natural Resources. Is it all right if I call you Allen?

A Right.

Q Have you ever had your deposition taken before?

A No.

Q You understand that you're under oath and have to answer my questions as truthfully and completely as you can?

A Right, unhuh.

Q And you understand that this deposition is being recorded and that a transcript will be made of it?

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Page 7

1 A Right. Yes.
 2 Q And you have to answer audibly so the Court
 3 Reporter can take down your answers, do you understand
 4 that?
 5 A Yes.
 6 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION
 7 EXHIBIT 2 FOR IDENTIFICATION PURPOSES.)
 8 Q I'll show you what's been marked as Plaintiff's
 9 Exhibit 2 and ask you to take a look at that for a moment.
 10 I'm showing you what's been marked as Exhibit 2 which is a
 11 notice of your deposition and a request to bring with you
 12 any documents. Had you seen that before?
 13 A This here?
 14 Q Yes.
 15 A No. I knew I was going to go to Court.
 16 Q And you were aware that your deposition was
 17 noticed up for today?
 18 A Ah, yeah.
 19 Q And were you aware that we requested you to bring
 20 any documents that might relate to the claim in this case?
 21 A Right. Unhuh. Yes.
 22 Q And what documents did you bring today?
 23 A My water sample.
 24 (AT THIS TIME, THE COURT REPORTER MARKED DEPOSITION
 25 EXHIBITS 3A, 3B, AND 3C FOR IDENTIFICATION PURPOSES.)
 26 Q I've marked as Exhibits 3A, 3B, and 3C. Are those
 27 copies of the water samples that you brought with you
 28 today?

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Page 8

1 A Yeah, I guess.
 2 Q And other than these three documents, 3A, 3B, and
 3 3C, are there any other documents that you have that relate
 4 to this lawsuit?
 5 A Ah, you mean, ah -- well, that's it right there.
 6 Q Okay. There are no other documents that you have
 7 that relate to any of the claims that you have in the
 8 lawsuit?
 9 A Well, there's, ah -- I think, they took the--
 10 Environmental Protection Agency, I think. You got
 11 something like that.
 12 Q Do you know what document that is?
 13 A No, I don't.
 14 Q Let me ask you to describe for us Exhibits 3A, 3B
 15 and 3C. If you could just describe what those are and what
 16 your understanding is of what they show?
 17 A 3A is a description of the land that I own, and it
 18 shows where the well is drilled, and it doesn't show the--
 19 yeah, it shows where I was--where I had the well.
 20 Q Okay.
 21 A Right there.
 22 Q And does it indicate when the well was drilled,
 23 what year?
 24 A Ah, I know it was--I lived out there 1974 and 1980
 25 so it had to be drilled in '74. But they lost the
 26 documents--the other documents because he died. Maybe he
 27 didn't record them but he's dead now.
 28 Q Okay, and could you describe for us what

1 Exhibit 3B is?
 2 A That's the information I got back on my water
 3 sample that I sent 'em.
 4 Q And what's the date on that water sample?
 5 A 4/2/93.
 6 Q And what about Exhibit 3C, what's that?
 7 A 5/21/01.
 8 Q That's another water sample taken on----
 9 A Yeah.
 10 Q ---May 21 of this year.
 11 A Yeah, they must have had one that was before.
 12 Q Let me first ask you a few background questions.
 13 Can you tell us when and where you were born?
 14 A Poplar, Montana, 1942, March 1st.
 15 Q And are you an enrolled member of an Indian Tribe?
 16 A Yes, Fort Peck Sioux.
 17 Q What's your educational background?
 18 A I finished high school here, and I went to two
 19 years at Bozeman; and from there, I went into the service.
 20 Q And when you went to Bozeman, that's Montana State
 21 University?
 22 A Montana State College then.
 23 Q Okay, and what curriculum or major did you take at
 24 Montana State?
 25 A Ag Engineering and General.
 26 Q And can you summarize for us briefly your
 27 occupational background, what positions you've held?
 28 A After I got out of the service, I--well, I was a

1 farmer. I helped my father farm, but I was really--after
 2 I got out of the service, I was a--worked on a bridge at
 3 the tying steel and carpentry work and a little bit of
 4 cement work, laborer. Plus I picked up driving truck while
 5 I was at home.
 6 Q And what's your current occupation?
 7 A I'm on a disability for an injury I had in 1995,
 8 I think it was, a head injury where they drilled three
 9 holes in my head to relieve pressure.
 10 Q What was the nature or the cause of your injury?
 11 A A blunt--some people had jumped me.
 12 Q What's your current address?
 13 A Box 122, Poplar, Montana.
 14 Q Where do you live?
 15 A Poplar, Montana.
 16 Q What's the address of your living residence?
 17 A 314 B Street West.
 18 Q So that's right in the City of Poplar?
 19 A Right. My mother had a house there, and it's all
 20 willed to--she willed it all to the--the rest of--the
 21 survivors.
 22 Q Are you married?
 23 A No, I was but that didn't last very long.
 24 Q Do you have any children?
 25 A I had two boys, one was killed at a bridge, some
 26 guys jumped him, and the other one's still living.
 27 Q In this lawsuit that's been filed, there are, I
 28 think, fourteen plaintiffs or plaintiff households. Are

Page 9

1 you related to some of the other plaintiffs in this
 2 lawsuit?
 3 A Yeah, one is my twin sister.
 4 Q And which is that? or who is that?
 5 A Helen.
 6 Q Excuse me?
 7 A Helen.
 8 Q Are you related to any of the other plaintiffs?
 9 A Yeah, to Cary.
 10 Q And what's the relationship to Cary?
 11 A My brother.
 12 Q Brother?
 13 A Brother. Marvin.
 14 Q What's the relationship with Marvin?
 15 A My brother.
 16 Q Brother.
 17 A And Josi, my sister. My father had wanted us to
 18 all live around here, you know, to keep--I guess to stay
 19 together, you know. That's why he willed some land to us,
 20 give us land when he died.
 21 Q Okay. Did you grow up the first eighteen years of
 22 your life in this area?
 23 A Right.
 24 Q And where did you live when you grew up?
 25 A In a--you mean, right here?
 26 Q Yes.
 27 A We had a little house in town here, and it got too
 28 small so we moved out in the country. We had--well, there

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1 was twelve kids out there together finally.
 2 Q And where was that house out in the country and
 3 when did you move there?
 4 A We've been living out there--it was my father's
 5 old place where Josi lives.
 6 Q Okay.
 7 A The real house was right next to it and that got--
 8 it got too old and so they built a new house right around
 9 the same location, though.
 10 Q I'll show you what's been marked as Plaintiff's
 11 Exhibit 1, which is a map showing area of the East Poplar
 12 oil field. Can you show me on this map where it is that
 13 you grew up or your father's place to farm that you
 14 mentioned. Can you tell me--or show me on it, Exhibit 1,
 15 where that was?
 16 A (Deponent confers with his attorney.) Right here.
 17 It's right by the river. Yeah, right here some place.
 18 Q Okay, it's north of where Rickers live?
 19 A Right, yeah. Right in here. I don't know about
 20 this M19--M19. (Confers with attorney) M20. Yeah, it's
 21 right there.
 22 Q Would you just write on there, if you would
 23 please, who currently lives on your old place? is it Josi?
 24 A I think it is Josi.
 25 MR. DOLAN: John, could we take a break?
 26 MR. ROSS: Sure.
 27 (OFF THE RECORD FROM 11:03 A.M. TO 11:09 A.M.)
 28 Q (By Mr. Ross) During the break, we talked about

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1 the location of some of the wells and some of the
 2 plaintiffs in this lawsuit. Referring to this map,
 3 Exhibit 1, I believe we identified as well M19 in Section
 4 17 as the area where you grew up, is that correct?
 5 A (By Deponent) Right.
 6 Q And where you currently live is in Section 33 near
 7 well M39, is that correct?
 8 A Right, where I had the trailer.
 9 Q And I believe you mentioned that you were related
 10 to a number of the other plaintiffs in this lawsuit. Who
 11 contacted you about joining the lawsuit or who decided to
 12 bring the lawsuit? Can you give me a history of that and
 13 your origin or decision to join the lawsuit?
 14 A Well, I heard that the water was contaminated
 15 through people, just...
 16 Q And when did you hear that and from whom?
 17 A Oh, I was in -- I think it was Public Health we
 18 were talking. I don't know who I heard it from, but it was
 19 about--I think it was about '88, '89, right around there,
 20 I'm not sure.
 21 Q And you think you heard that from someone in
 22 Indian Public Health Service?
 23 A Yeah, somebody was talking about it in--while I
 24 was waiting for the pharmacy. I was getting pills there.
 25 Q And who asked you to join in this lawsuit? And
 26 let me make a note here for the record. I don't want you
 27 to discuss anything that you've discussed with your
 28 attorney, Mr. Dolan. But I'm just simply asking who you

Page 12

1 discussed joining the lawsuit. Did somebody come to you or
 2 did you go and ask to join or just to try to get a little
 3 history of how you got involved in this lawsuit.
 4 A Well, I was going to build a house out there after
 5 I got out of the service.
 6 Q What year was that?
 7 A This was, ah, in, ah, '68, I had plans to build a
 8 house out there. And I've still got new plans. I got some
 9 from Williston for a log house, but it's different--
 10 different company. I still plan on building out there.
 11 But I want good water.
 12 Q Well, my question was, how did you happen to
 13 decide to join this lawsuit?
 14 A Like I say, I heard about it through, ah--I think
 15 it was Rene mentioned it, too.
 16 Q And do you remember when that was?
 17 A Ah, I really don't know when he told me, but maybe
 18 it was after I heard it was bad water, maybe.
 19 Q What year would that be, do you remember?
 20 A I don't know. Maybe '88. I'm not sure.
 21 Q Did someone ask you if you wanted to join this
 22 lawsuit?
 23 A Well, I wanted to join after I heard about it.
 24 Q But did somebody ask you if you wanted to join or
 25 did you-----
 26 A No, I wanted to join myself.
 27 Q Okay. And who did you ask if you could join the
 28 lawsuit?

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1 A I asked Rene if I could join.
 2 Q And what did he say?
 3 A He said, why not, because I had a house out there
 4 before; and if I was going to build out there again, to
 5 get--make sure you had clean water.
 6 Q When you say out there, are you referring to the
 7 area near well 39 on Exhibit 1?
 8 A Well 39, when I was out there in 1974 to 1980, it
 9 would always plug up, seemed like; and it had a little film
 10 on there then. And that was in 1975, '76, right around
 11 there. So, finally, I was having fights with my--with my
 12 spouse, arguing about fixing this and fixing that, and so
 13 we just split and I got rid of the trailer. That was in
 14 1980.
 15 Q So how long did you live on the property that you
 16 now have that's around well number 39?
 17 A About five years.
 18 Q Okay, and that was approximately what years?
 19 A 1975 to 1980. And after 1980, I had to either
 20 stay with friends or relatives after that because I didn't
 21 have no place to pay rent.
 22 Q And during that time that you were out there, I
 23 understand you had a trailer on the property 1975 to 1980?
 24 A Yeah.
 25 Q And what was the source of your water?
 26 A It was a pump.
 27 Q Was it-----
 28 A Water pump, yeah.

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1 Q Was it drawn from M39 as shown on Exhibit 1?
 2 A Yeah, unhunh, the same well right there.
 3 Q Do you know when M39 was drilled?
 4 A It was the same year that I--I'm pretty sure the
 5 same year that I moved out there; and I can't find the
 6 history on it, though, on the well, because it--the guy
 7 died but it should be kept with, ah--with, ah--I don't know
 8 who keeps them records, BIA or somebody.
 9 Q Who drilled the well, do you know?
 10 A I don't know. I think it was Public Health.
 11 Q What's the nature of your property that's located
 12 near M39?
 13 A It's farmland.
 14 Q And you have an ownership or an interest in that
 15 property around-----
 16 A Yeah, I own all of it.
 17 Q Okay, and do you own it--how do you own it, if you
 18 understand my question? And I--do you own it as-----
 19 A Through my father. He willed it to me. But I had
 20 lived on there before he died.
 21 Q Do you know the nature of the ownership? Do you
 22 own it in fee? Do you own both land and the minerals or do
 23 you lease it or do you have an allotted interest or do you
 24 know the nature of the ownership?
 25 A It's in trust land. It's trust.
 26 Q When you say it's trust land, can you describe for
 27 us what the nature of that ownership is?
 28 A It's a--it's not no, ah--it's just Tribal land.

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1 I mean, ah, if you take your land out of--out of, ah,
 2 trust, it goes into--you can put patents on it or
 3 something. You can get, ah--see, the bank, if you take
 4 your land out of trust, then they'll give you loans on it,
 5 because the Tribal government doesn't have no control over
 6 it then.
 7 Q Do you have an allotted interest? I thought I saw
 8 somewhere in the document-----
 9 A That happened in 1934, and I'm too--I wasn't even
 10 born then. I think that was the last year that they had
 11 allotment. But I do have an allotment number.
 12 Q Do you have any documents that show or evidence
 13 your ownership in that property?
 14 A Right, at the BIA. If you don't have it, I can
 15 get them.
 16 Q Okay, if you would, please, I'd request that you
 17 produce any documents that evidence the nature of your
 18 ownership.
 19 A Yeah, unhunh. And my Tribal ID, I've got that.
 20 I've got that on me now if you want to see that.
 21 Q That's fine. How much acreage do you have?
 22 A Well, 40 acres I own there. And then my father
 23 had a 320; and we all take part in that, and it's farmland.
 24 Q Okay.
 25 A And then there's little--small little parcels of
 26 land that we inherited from my relatives.
 27 Q Did your father own quite a lot of land in that
 28 valley--that east of the Poplar river?

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1 A I can't say because he might have--he might have
 2 inherited it himself, you know. I don't know.
 3 Q But in any event, the 40 acres that you have an
 4 ownership in is located near M39, well M39?
 5 A Yeah.
 6 Q And you also have some sort of divided interest in
 7 another 320 acres, is that-----
 8 A Correct, unhunh.
 9 Q And where is that 320 acres located?
 10 A I don't--I can't give you the description, but
 11 it's way north, probably up over by the oil fields.
 12 Q Can you show me on Exhibit 1?
 13 A I don't even think it's on here.
 14 Q Okay.
 15 A I don't even know the correct description. But
 16 there's ten of us survivors.
 17 Q Do you know the depth of well M39?
 18 A Yeah, I think it was one. . . (Deponent confers
 19 with his attorney.) 130 with a six inch diameter.
 20 Q Okay.
 21 A Yeah, that's my writing right there.
 22 Q And you think that was drilled in 1975?
 23 A 1975, right around there 'cause they knew I was
 24 going to build a--bring a trailer. And I asked my father
 25 about it and he said, well, put it over there. He already
 26 owned it.
 27 Q And when was well M39 used, during what period of
 28 time?

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1 A What it was used for?
 2 Q When was it used?
 3 A They drilled it in, I think, three or four months
 4 of when we moved the trailer house out.
 5 Q So that was 1975 and it was used from 1975 until
 6 when?
 7 A To 19--yeah.
 8 Q Until 1980?
 9 A Yeah, on and off.
 10 Q And since 1980, has it been used, the water from
 11 well M39?
 12 A No, because we pulled the pump up.
 13 Q And between 1975 and 1980, what were the uses of
 14 the water taken from well M39?
 15 A For dishes, showers, garden and stuff like that.
 16 Q So for domestic purposes and also yard irrigation?
 17 A Yeah.
 18 Q You brought with you today the results of a water
 19 sample from M39; and one of them, you said, was the results
 20 of water sample from that well in 1993, is that correct?
 21 A It must be, yeah. I don't know how to read this,
 22 ah-----
 23 Q I'm not sure I do either. But, in any event, you
 24 think that Exhibit 3B is a sample from well M39, is that
 25 correct?
 26 A Yeah.
 27 Q And the same with Exhibit 3C, it's your
 28 understanding that that's the results of a water sample

1 crew was. So that's what it was there.
 2 Q Now, I understand you say you worked as an
 3 employee for a geophysical company, is that correct?
 4 A Unhuh. (Deponent indicates yes.)
 5 Q And when did you do that?
 6 A That was in the '70's and '80's. When I wasn't
 7 working for BIA. I was a heavy equipment operator and truck
 8 driver in off-season. This would fill in for the winter
 9 time.
 10 Q And where did you conduct this geophysical
 11 activity?
 12 A North of Poplar field. And then I worked in North
 13 Dakota out of Watford City.
 14 Q When you say North Poplar field----
 15 A Murphy field up here. And sometimes over here by
 16 Volt--they've got Volt field up here, north of Wolf Point.
 17 Q Did you ever conduct any geophysical activity in
 18 the area shown on Exhibit 1?
 19 A Exhibit 1.
 20 MR. DOLAN: That's this one.
 21 A (By Deponent) Oh, yeah. Yeah. Yeah, we worked
 22 in this field.
 23 Q (By Mr. Ross) Can you show me some of the areas
 24 where you worked, did geophysical work in Exhibit 1?
 25 A There's some wells over here. I'm not sure which
 26 one it was, but it was a long time ago. But I remember--
 27 this is the R-Y, right?
 28 MR. DOLAN: Yeah, that's R-Y.

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1 from well M39?
 2 A Yeah. I took this myself.
 3 Q Okay. Other than the samples and the results
 4 shown on Exhibits 3B and 3C, are there any other sample
 5 results from water from well M39?
 6 A No, this is it right here.
 7 Q Okay.
 8 A On my work experience, did you want to learn more
 9 about that?
 10 Q Sure, we can go back if you want to.
 11 A Yeah.
 12 Q Do you have something to add or clarify?
 13 A On my work experience, now after I started working
 14 for the drilling company, Bomac and Geophysical, and shot
 15 holes and stuff like that. I was a derrick hand in a
 16 workover rig. When I was working for Geophysical when we
 17 pushed that dynamite down, we'd get good results, you know,
 18 because the electric--when they set it off, it comes up and
 19 they could tell just like a picture down there they say.
 20 But, ah, sometimes that dynamite would get stuck; and so
 21 they would set it off, and that would blow it up. It would
 22 be a big crater. I don't know what that had to do about
 23 it. But when we plugged them shot holes, I don't know how
 24 many shot holes they would drill just to--just to hurry the
 25 job up. We kind of--we'd kind of throw some rocks down
 26 there and then plug it up, and it wouldn't be--really be
 27 supervised just because the more holes you, ah--the more
 28 holes you plugged up, the more you, ah--the better your

1 A (By Deponent) Yeah. It was around here and up
 2 here. Yeah, if this is R-Y, yeah, right around here.
 3 Q (By Mr. Ross) When you say R-Y, what are you
 4 referring to?
 5 A Regina Yellowstone, they call that. That's the
 6 highway coming down from Canada.
 7 Q So it would have been west of that?
 8 A Yeah, unhuh. Yeah. And then we worked farther
 9 on the--this is all oil wells around here.
 10 Q Did you ever conduct or help conduct any
 11 geophysical activity in the area shown on Exhibit 1 that
 12 has this dark boundary?
 13 A Yeah.
 14 Q Did you ever conduct any geophysical activity in
 15 that area?
 16 A Yeah.
 17 Q Do you remember when you may have done that?
 18 A No. It was in the late 70's, 80's--80's.
 19 Q Do you remember the name of the company that did
 20 that geophysical work?
 21 A They had grey trucks, ah, and I run one of them
 22 vibratory--you just set on location, and it vibrates.
 23 It's just like taking a picture down there or something
 24 they say--oh, to see if there's oil down there.
 25 Q But you don't remember the name of the company you
 26 worked for?
 27 A No--no, but I could probably get you the name.
 28 Q Okay, could you do that, please?

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Page 23

1 A Yeah. But there was--there was quite a bit of
 2 that going on; 'cause the faster your crew worked, well,
 3 the better your crew were. And this didn't happen here, it
 4 happened north of Wolf Point, too. Them are gas wells,
 5 too, some of them up there.
 6 Q Do you know who had requested the seismic work?
 7 A Since that oil-----
 8 Q For example, was it-----
 9 A Since that oil discovery come in, everybody--there
 10 was a lot of companies drilling then. It was a boom town
 11 here in the 50's.
 12 Q So it's your understanding that a lot of oil
 13 companies may have done seismic work?
 14 A Yeah, unhunh.
 15 Q What about the Tribe, did they do--request any----
 16 A No.
 17 Q ---seismic work?
 18 A They didn't do no drilling themselves, no.
 19 Q Did they do any--or request any seismic activity?
 20 A Ah-h, I don't--you mean, did they request what?
 21 A Did they ask someone to do some seismic work for
 22 them so they could know what might--to get some
 23 information, seismic information?
 24 A I don't believe so. I don't. . . For the Tribe
 25 themself, you mean?
 26 Q Yes.
 27 A Unless it was Land Committee or something like
 28 that.

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1 Q It's possible that the Tribe may have requested
 2 some of the seismic activity?
 3 A I don't know. Could be, I guess. I don't know.
 4 Anybody could request it, I suppose.
 5 Q So just to make sure I understand, you worked as
 6 a geophysical hand sometime during the 70's and 80's in the
 7 Poplar oil field?
 8 A Unhunh. Yeah, off season.
 9 Q Okay. And did you do any other type of work in
 10 the oil field?
 11 A Yeah, drilling and dynamite.
 12 Q Okay, and can you tell me where you worked in the
 13 drilling activity or can you tell me what wells you worked
 14 on?
 15 A I don't know what wells they were. It was for
 16 Bomac. And I think at first it was Great Northern; and
 17 Bomac bought out Great Northern, and I don't know who
 18 bought out Bomac.
 19 Q Do you know where the well was located that you
 20 worked on? or wells?
 21 A Any place, even across the river, all over.
 22 Q Did you actually work on some of the wells in East
 23 Poplar oil field that are shown on Exhibit 1?
 24 A Yeah, unhunh.
 25 Q But you don't remember the date-----
 26 A I don't remember which one. No date, no. It was
 27 a long time ago.
 28 Q Okay. Were you ever aware of a pipeline that

1 carried hot water from the East Poplar oil field into the
 2 City of Poplar? Did you ever hear of that?
 3 A No.
 4 Q When you-----
 5 A I know there's a pipeline there coming down from
 6 Canada.
 7 Q Do you know the nature of that pipeline, where
 8 it's located?
 9 A Yeah, to bring oil down here from the north slope,
 10 right?
 11 Q Does that run through the East Poplar oil field?
 12 A I don't know.
 13 Q Okay. During the time that you were on the 40
 14 acre property located near well M39, did you experience any
 15 problems with the water?
 16 A It would get mulky-like film. There would be a
 17 film to it. Now, when we took this sample, I thought maybe
 18 because we could only get five gallon bucket, seemed like,
 19 at a time. So I thought maybe it was caved in around the
 20 cabin there, you know.
 21 Q And when was that?
 22 A That was when we took the sample.
 23 Q And are you referring to the most recent sample
 24 that you took this May?
 25 A Yeah, unhunh.
 26 Q How did you take this sample, and who took the
 27 sample that is shown on Exhibit 3C?
 28 A Yeah, Rene took it, and I was right there, and I

1 wanted to get a sample from it. He was there taking it.
 2 Q Okay, and how did he take it again?
 3 A With a--with a portable pump.
 4 Q Pumped the water out and then sent that to the
 5 lab, is that right?
 6 A Yeah, unhunh.
 7 Q Any other problems that you noticed with the water
 8 during the time that you lived on the property from 1975 to
 9 1980?
 10 A It didn't taste very good.
 11 Q Did you ever discuss those problems that you
 12 thought you had between 1975 and 1980--did you ever discuss
 13 those during that time period with anyone?
 14 A Yeah, with my father.
 15 Q Other than your father, did you ever discuss it
 16 with anyone?
 17 A No, hun unh.
 18 Q Did you ever have the water sampled during that
 19 period of 1975 to 1980?
 20 A There was a sample but they lost it.
 21 Q Yeah, but you say---
 22 A It was when they first took it, that was the
 23 history of the--it most of been in seventy--'74, '75, right
 24 around there.
 25 Q Okay.
 26 A And they don't even have the--where the--where the
 27 well was drilled or anything like that.
 28 Q So as far as you know, the well M39 was sampled

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1 around 1975 and then was sampled again in 1993 and then
 2 recently in 2001?
 3 A Yeah.
 4 Q Other than those three samples, are you aware of
 5 any other samples of M39?
 6 A No, hun unh.
 7 Q Was the water that you took from M39 ever treated?
 8 Did you ever have any conditioner, soft water conditioner?
 9 A Yeah, we had a--they put it in a--some filters and
 10 stuff like that. They put it inside the bedroom, the
 11 master bedroom. They had some kind of a pressure tank in
 12 there and some filters, I think.
 13 Q Did that treatment process use salt or?
 14 A I'm not sure what it was. I know it took up that
 15 whole closet. I know that.
 16 Q Did it have any sort of disposal associated with
 17 it or was it just sort of an in-line treatment process?
 18 A It was inside, yeah, inside the building.
 19 Q Was there any discharge from that treatment
 20 process?
 21 A Ah, I think there was.
 22 Q And where did the discharged treatment water go?
 23 A Right on the ground. Either that or in the sewer.
 24 We had a----
 25 Q And where--you were on a septic process?
 26 A Yeah, the septic tank is still out there.
 27 Q Where is--what's the location of the septic tank
 28 in relationship to M39 well?

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1 A Well, the plastic--the one that comes out of the
 2 ground that goes to your septic? That's been all broke off
 3 because it's farming right now. It's covered up, I mean.
 4 Q Okay. Where was the septic system drainfield
 5 located in relation to M39?
 6 A Well, it had a drain field, I think, about 70 feet
 7 away from the well. But it was down, away from the house.
 8 Q So the drain field was about 70 feet from the M39?
 9 A I think so, yeah. Maybe more, maybe a hundred
 10 feet, I don't know how they build them.
 11 Q Okay. Have you looked at any other methods of
 12 treating the water from M39?
 13 A Well, I heard there was this RO, reverse osmosis,
 14 'cause I talked to a farmer who had one.
 15 Q And do you know what the cost of that sort of a
 16 system would be for a...
 17 A He didn't tell me how much he paid for it, but he
 18 said they're pretty expensive.
 19 Q But you don't have any cost estimates?
 20 A No, I don't.
 21 Q Have you looked at any other alternative water
 22 supplies on the 40 acres that you own near M39?
 23 A Well, I heard they were going to build a pipeline,
 24 but I doubt if that'll ever happen. When I see water
 25 coming out of a spout, then I'll believe it. I don't--I
 26 don't think that'll ever happen. There's supposed to be a
 27 water line coming north, north Poplar or some place.
 28 Q What's your understanding of when that would be

1 built?
 2 A I don't know. I don't--I'm not even sure if it's
 3 started.
 4 Q Now, you were on the property from 1975 to 1980.
 5 Why did you leave in 1980?
 6 A Because of plugging up water and my wife she would
 7 get mad at me because we had water problems and other
 8 things. So too many problems so we just--just put----
 9 Q Were there other reasons or problems why you left
 10 in addition to the water?
 11 A Well, telephone bills and stuff like that.
 12 Q So there were other reasons why you left besides
 13 the water?
 14 A Ah, yeah, but water was one of them, too.
 15 Q And what again were the specific problems with the
 16 water?
 17 A It would get mulky like, grey, and it had a--some
 18 kind of a film, and it would kind of--I can't say--
 19 sometimes it would smell real funny.
 20 Q Do you know what caused that?
 21 A I don't know. When I do build back out there, I'd
 22 like to have a good place for my boy; my only boy left. So
 23 when I do pass on, well, then he could have good water for
 24 the rest of his life.
 25 MR. ROSS: I have no further questions. Thank you.
 26 EXAMINATION BY MR. STERUP:
 27 Q Mr. Youpce, my name is Rod Sterup. I represent
 28 Samson Hydrocarbons which used to be known as Grace

1 Petroleum. Have you ever spoken with anyone from Grace
 2 Petroleum that you can recall?
 3 A I think I worked for Grace. I'm not sure.
 4 Q When do you think you worked for Grace?
 5 A In '84, '85.
 6 Q What do you think you were doing?
 7 A Um-m, were they plugging wells then? I'm not sure
 8 but I heard of the name, though.
 9 Q How about Samson Hydrocarbons?
 10 A I've never worked for them.
 11 Q You mentioned that you had done some work in East
 12 Poplar field from time to time, seismic work?
 13 A Yeah.
 14 Q You can't recall the name of the company that you
 15 worked for, is that correct?
 16 A I can't recall, no. One was J & J Shothole
 17 Plugging. It was half Indian owned. They have to do that
 18 to work on a reservation, and he was from New Town. And
 19 there's others. They ultimately--these companies would
 20 just--overnight they'd appear, you know. They'd want to
 21 get in on the money because of the oil company. Seemed
 22 like every week there was another company ready to go to
 23 work.
 24 Q You would typically work for these companies
 25 during the off season?
 26 A Yeah, when I wasn't working for the BIA for heavy
 27 equipment and driving truck and laborer, 'cause that's
 28 seasonal. I built the roads and stuff like that, you know.

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1 Q What months of the year typically would you have
2 worked for the BIA?
3 A In the '70's and '80's.
4 Q What months of the year? in the spring and summer?
5 A Probably from April to August, maybe September.
6 You know, it depends on when the snow--when you can't work.
7 Q And this was construction type work, I take it?
8 A Right, yeah.
9 Q When the construction season ended, you would then
10 pick up work in the off season from time to time with
11 various oil companies, drilling companies?
12 A Yeah. If they needed help, yeah. And drilling
13 companies, too.
14 Q Was that generally true during the '70's and
15 '80's, you would pick up that type of work in the off
16 season when you could?
17 A Yeah, to fill up--supplement my income, you mean?
18 Yeah.
19 Q Would you typically have worked for one of these
20 companies every off season during the '70's or '80's or
21 would there be a period of years when perhaps you would not
22 get that type of work during the off season?
23 A Well, sometimes they wasn't around so we didn't
24 have to do nothing, like unemployment or something like
25 that--draw unemployment.
26 Q So I take it, it was spotty work and there might
27 be a period of several years when you wouldn't have that
28 type of work available. Is that accurate?

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1 A Ah-h, yeah, it would. But after they moved out of
2 here--seemed like it was going strong in the '80's. And
3 after the boom stopped, well, then they all pulled out and
4 went down to Texas, it seemed like. They all went south.
5 Q You mentioned Grace Petroleum and the possibility,
6 at least, that you did some work for Grace Petroleum. Do
7 you recall who your boss or supervisor was?
8 A No.
9 Q Do you recall what type of work you may have been
10 doing?
11 A I think it was shot hole plugging. I'm not sure.
12 I might have worked for them maybe a week. 'Cause they--
13 when they finish a job, then they're out some other place.
14 I know that the company that I was working for they moved
15 from here, they went out to Rock Springs, Wyoming. You
16 might try down there for--right at Rock Springs. They
17 wanted me to go with them, but I was a truck driver then,
18 too; so they had me running back and forth with the truck,
19 driving trucks, because nobody else could drive them.
20 Q Do you recall any other members of the crew during
21 that week or so that you worked for that particular outfit?
22 A I think one was Richard--it's not Richard Hawk,
23 but if I think of his name, there's one other guy, yeah.
24 I could, ah--I could tell you, I mean. I can't think of it
25 right now.
26 Q And if you had to put a date on that particular
27 work, what year do you think it was?
28 A Around '82, '83, '84, right around there.

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1 Q Aside from that one week or so of work, shot hole
2 plugging as you put it, do you have any other recollection
3 of doing any work for Grace Petroleum?
4 A No, just for, ah--that was the only one for them.
5 Maybe the--yeah, I think that was the only one for them.
6 Q Do you recall any problems or difficulties with
7 that week's worth of work that you did? anything unusual
8 about it?
9 A Nope.
10 Q And I'm sorry, what sort of work were you doing?
11 You were driving a truck back and forth?
12 A I was, ah--nobody had a CDL to haul that equipment
13 back and forth, so they--I had one so that's what I was
14 doing, transporting the machinery and equipment back to
15 Rock Springs.
16 Q So you were driving from Montana to Rock Springs,
17 Wyoming----
18 A Right, unhunh.
19 Q ---transporting equipment for this particular
20 outfit that was doing the plugging?
21 A That was--yeah, right.
22 Q Aside from coming----
23 A And they had them vibratory--them trucks, them big
24 wheels on them, you know, for location. You've seen them
25 before, right? There's a big truck with big wheels, and
26 they vibrate right on location; and they tell if there's
27 oil down there.
28 Q So aside from being in the East Poplar field or

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1 the North Poplar field, whichever it may have been, long
2 enough to pick up the equipment and take it down to Rock
3 Springs, were you physically present when the work was
4 being done?
5 A Yeah, unhunh.
6 Q What were you doing?
7 A I was either drilling--you mean, what kind of work
8 are you talking about now?
9 Q We're talking about this week's worth of work that
10 you did.
11 A Plugging up shot holes.
12 Q What were you doing? What was your role? What
13 task were you performing?
14 A What what?
15 Q What task were you performing?
16 A Ah, plugging it up.
17 Q Describe-----
18 A See, the hole's already drilled, and what you do
19 is go by and plug them back up.
20 Q And describe what you did, what part you played in
21 that process.
22 A Well, I was--before that I was a dynamite--and it
23 would--it would--they would--after you set the dynamite
24 off, there'd be wires on there. I don't know how they did
25 it, but it would locate where the oil was or if there was
26 no oil or not. They had another truck out there, too,
27 Slumber J. I'm not sure if that was the right one, but he
28 would record whatever went off down there. They had

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1 electrical wires around there, too.

2 Q You mentioned that you got out of the service in
3 1968 and, at that point, you wanted to move to this area
4 around M39. Was that your intention at that time?

5 A Yeah. I've always wanted to come back and live
6 here, yeah.

7 Q Did you move to that location in 1968?

8 A I moved back home, yeah.

9 Q Did you-----

10 A But not to this location. This well wasn't even
11 drilled then.

12 Q Why did you not move to that location in 1968?

13 A Because I was farming with my father, helping him
14 on the farm.

15 Q Where were you living between 1968 and 1975?

16 A Right with--at the old homestead.

17 Q And the old homestead is the farm out in the
18 country where you and the other children grew up?

19 A Yeah.

20 Q My notes reflected that at some point you lived in
21 the city and then the family moved out to the farm or to
22 the country. About when did you and the family move out to
23 the country, if you could put a year on it.

24 A Well, my--it was real young and we, ah--my father
25 worked for the shipyards out at Portland when we was real
26 young, and then he got on the Tribal board back here. And
27 that's when we moved back here for good. And I was
28 probably about 7 or 8, I'm not sure.

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1 Q You say moved back here for good.

2 A Well, we went to school over there. He was
3 working over there for the shipyards when the war was--
4 right after the war. There was good money over there, and
5 there wasn't no work around here.

6 Q So at a time when you were very young, I take it,
7 you lived outside Montana?

8 A Yeah, unhunh.

9 Q And at some point, you and the family moved back
10 to Montana and moved out to the country. About what year
11 was that?

12 A Um-m, when I was in junior high, in the '50's.

13 Q How long did you then live on the family place out
14 in the country before going out on your own?

15 A I lived there until I--well, I went to college in
16 '61 to '63, and then from '63 I joined the service til '66.
17 Then after I got out of the service, I started working for
18 building bridges for two years; and then after that I
19 started working for the oil business and BIA.

20 Q In the years when you still lived on the family
21 place in the country, what was the water quality like?

22 A It was good, just like spring water, just like
23 artesian well.

24 Q How about when you moved out to the area around
25 M39 in 1975? What was the water quality like?

26 A It was okay at first, and then seemed like it
27 would get mulky.

28 Q When you moved out to the area around M39 in 1975,

1 who else was living on that property?

2 A My wife.

3 Q What was her name?

4 A Do I have to mention her name?

5 Q Yes.

6 A Louise Boyd.

7 Q Was anyone else-----

8 A I don't associate with her at all now.

9 Q How long has that been the case?

10 A Hunh?

11 Q How long have you not been associating with her?

12 A Quite a while.

13 Q Who else was living on the property aside from you
14 two?

15 A That was it.

16 Q You mentioned some children. Were they living on
17 the property between-----

18 A Well, yeah, my little boy. He was with us.

19 Q Between 1975 and 1980?

20 A Unhunh. (Deponent indicates yes.) He was born in
21 1971, I think.

22 Q What's his name?

23 A Allen.

24 Q You mentioned that at the time you left the
25 property in 1980, you split with your wife. Was there a
26 divorce at that time? separation?

27 A Well, we never did get married.

28 Q I see. Was there a separation in 1980?

1 A Yeah, unhunh.

2 Q And you also mentioned at that point, apparently,
3 you sold the trailer or?

4 A Yeah, got rid of it, because the pipes were--pipes
5 were getting rusty and stuff like that.

6 Q Where did you then live after splitting with her?

7 A After there, I moved to Wolf Point. Stayed with
8 some friends up there til about 19--til about 1980.

9 Q Was the reason for leaving the area around M39 the
10 breakup in the relationship, and you went your way and she
11 went her way? Was that what brought that about?

12 A Well, there was other problems, too. Her brothers
13 would be drinking, coming around and stuff like that, and
14 I didn't like that.

15 Q Anything else?

16 A Well, it was. . . Well, that's about it.

17 Q You mentioned a son that you would like to pass
18 the property on to. What is his name?

19 A Allen.

20 Q That's Allen.

21 A Unhunh. (Deponent indicates yes.)

22 Q Where does he live?

23 A I think he lives in Wolf Point right now.

24 Q You think he does?

25 A He was down in Bismarck. He went to school down
26 there and then it didn't pan out, so he moved--he moved
27 back--I think he does work for the--he works for an oil
28 company right now. I'm not sure. Or for Albertson's, I

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1 I think it was. But he worked for the oil companies, too.
 2 Q Have you spoken with him recently?
 3 A Ah, in about the last four months.
 4 Q So you think he's in Wolf Point at this time?
 5 A I think so, yeah.
 6 Q You're not sure though?
 7 A I'm not sure.
 8 Q What use has been made of that 40 acres since 1980
 9 through the present?
 10 A What the what?
 11 Q What use has been made of that 40 acres?
 12 A Farming, farming land. It's farm land.
 13 Q Who is farming it?
 14 A I have a lessor.
 15 Q Who's that?
 16 A Ah, Sage. But before that, I had a--there was
 17 another lessor, Lockman. He has a bunch of land right--
 18 right near my land there, big farm. And he never did--he
 19 never did use his water. He always hauled his in.
 20 Q Since 1980 through the present, that 40 acres has
 21 always been leased by you to somebody else?
 22 A Um, Lockman and Sage.
 23 Q How much do you get for leasing that acreage?
 24 A For them leasing it from me?
 25 Q Yes.
 26 A About 680 a year.
 27 Q That's the present rate? That's what you're
 28 getting now?

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1 A Yeah, unhunh.
 2 Q Has that changed over the years?
 3 A Probably by about \$40--40 or 50 dollars.
 4 Q So it's about 40 or 50 bucks a year more now than
 5 it was back in 1980?
 6 A No, it's a little more now. Back in 1980, it was--
 7 it wasn't that much then. But right now, it's about 680
 8 right now.
 9 Q About how much was it in 1980?
 10 A Ah, then--then the--I think my father was taking
 11 care of that part then. See, I didn't inherit it until he
 12 died.
 13 Q When you first started leasing it, whatever year
 14 that may have been, about how much were you getting?
 15 A Ah, I think about 580.
 16 Q Have you ever lived outside of Montana, aside from
 17 your years in the service, of course?
 18 A Yeah, I told you I lived in Portland, Oregon when
 19 I was young.
 20 Q You're right, you did. As an adult, have you ever
 21 lived outside of Montana aside from being in the service?
 22 A Ah, when I was working, I lived in Watford City.
 23 And when I was going to school for heavy equipment school,
 24 I lived in Missoula for a year. And I took a trip out to
 25 Portland--I mean, to California. I have a sister out
 26 there, and I stayed with her about four months.
 27 Q Aside from that, you've always lived in the Poplar
 28 area?

1 A Yeah.
 2 MR. STERUP: That's all I have. Thanks.
 3 EXAMINATION BY MR. FAGAN:
 4 Q Allen, my name's Gerry Fagan. I represent
 5 Marathon Oil.
 6 A Unhunh.
 7 Q When you were talking about when you split up with
 8 your wife in 1980, did the split-up and you moving off the
 9 property and selling a trailer all happen at the same time?
 10 A Well, it--not all at the same time. It was
 11 building up because her brothers they would come around,
 12 and she would get mad if I would say something, but she'd
 13 be drinking, you know, she would start it, too. I was
 14 drinking then, too, so. I quit drinking now for good. I
 15 don't do that anymore.
 16 Q When you decided to split up with her, did you
 17 also move off the property at the same time and sell your
 18 trailer?
 19 A Right about the--right about then, yeah. Pretty
 20 close to it.
 21 Q Did the water ever taste salty on the property
 22 when you lived on it?
 23 A It'd taste, um--it had a funny taste. It smelled
 24 bad. It wasn't a skunky smell, it was something else.
 25 Q Taste any salt in it?
 26 A I can't remember that.
 27 Q Hard to say. Just tasted bad?
 28 A Yeah, tasted bad.

1 Q You said that you heard that the water--you
 2 overheard the water was contaminated back in about 1988 or
 3 1989?
 4 A Yeah.
 5 Q And then you also heard that Rene Martell was
 6 planning a lawsuit?
 7 A I didn't hear that he was planning a lawsuit. I
 8 heard somebody was planning one.
 9 Q I thought you testified you talked to Rene
 10 Martell?
 11 A Yeah, I did. I talked to him, but I didn't know
 12 it was him that was planning it.
 13 Q Oh, I see. So you heard later that----
 14 A Yeah, um-hun, yeah.
 15 Q And that's all about the same time, 1988, 1989?
 16 A Yeah.
 17 Q So you heard that there was a lawsuit being
 18 planned----
 19 A Yeah.
 20 Q ---against the oil companies?
 21 A Because the water was bad, yeah, water table.
 22 Q Are there oil wells around the property around
 23 M39?
 24 A Um-m, nope.
 25 Q Can't see any from there?
 26 A I can't--there is, yeah, but you can't see them,
 27 though. There is.
 28 Q But you just can't see it from where your property

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1 is at?
 2 A Yeah.
 3 Q I take it, you're always pretty aware of the oil
 4 activity since you worked in----
 5 A Oh, yeah.
 6 Q Did you ever suspect that the oil activity or the
 7 companies were causing the water problems?
 8 A Well, with all that drilling going on, I figured
 9 something was going to happen.
 10 Q And when was this?
 11 A In, ah--in the 70's.
 12 Q So back in the 70's, you were thinking of
 13 something that was going to happen----
 14 A Seventies and 80's. And even the way that we were
 15 plugging the holes, you know, you're supposed to be doing
 16 it right, you know. Nobody would be watching us out there.
 17 Q Were you not doing it right?
 18 A Well, just throwing rocks down there and plug them
 19 up with dirt. You're supposed to put cement in there, too.
 20 And you're not--we weren't doing that.
 21 Q And you were expecting then that that could
 22 possibly cause problems with the water?
 23 A Well, it could. I figured that probably was one
 24 of the problems, you know.
 25 Q Did you talk to anybody about not plugging
 26 correctly?
 27 A No. Hunh unh.
 28 Q Did anyone ever talk about that?

1 A No, why, ah--not really, hunh unh.
 2 Q Ever talk to any Tribal officials or----
 3 A No.
 4 Q ---any government officials?
 5 A No.
 6 Q Public Health people?
 7 A I don't know if Public Health knew about it or
 8 not.
 9 Q But you never talked with them?
 10 A No, hunh unh.
 11 Q Had you ever heard about any previous lawsuits
 12 against any oil companies?
 13 A No.
 14 Q Have you ever heard of any wells operated by
 15 Marathon Oil?
 16 A I heard of the name before, yeah.
 17 Q But have you heard about any wells that they
 18 operated?
 19 A No.
 20 Q How about Texas Oil and Gas?
 21 A No.
 22 Q Or TXO?
 23 A Champion, I heard.
 24 Q But not TXO?
 25 A No.
 26 Q And I take it you never talked to any employee of
 27 either----
 28 A No, hunh unh.

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1 A No, not--you mean, just plug them up with rock,
 2 you mean?
 3 Q Not--did you ever talk about it with co-workers or
 4 friends or relatives about that? not doing it properly
 5 might cause water damage?
 6 A No. Hunh unh. We were just in a hurry to get
 7 off location.
 8 Q You said that you suspected back in the 70's and
 9 80's that oil activity might be causing problems with the
 10 water?
 11 MR. DOLAN: Objection to the form of the question. That's
 12 not the testimony.
 13 Q (By Mr. Fagan) When did you say that you
 14 suspected that oil activity might be causing the problems
 15 with the water? or did you say that?
 16 A (By Deponent) To water?
 17 Q Did you suspect that the oil activities might be
 18 causing problems with the water?
 19 A In the--with all the oil companies around here
 20 then, I figured there would be problems.
 21 Q With the water?
 22 A Well, with the--yeah, probably with the water.
 23 Q And what time frame are we talking about?
 24 A What?
 25 Q What time frame are we talking about? what years?
 26 A In '75, right around there.
 27 Q Did you ever talk with any friends or relatives
 28 about those concerns that----

1 Q --- any of those companies? So you're not aware
 2 of any problems that those companies may have caused?
 3 A No.
 4 Q Correct?
 5 A No.
 6 Q Are you claiming any physical injuries due to the
 7 water?
 8 A Well, I got asthma.
 9 Q Do you think----
 10 A I don't know if that has anything to do with it.
 11 Q Has anyone ever told you that it has anything to
 12 do with it?
 13 A No, hunh unh.
 14 Q Any other health problems that might be related to
 15 the water?
 16 A No.
 17 Q So do you think your land would be worth more if
 18 it had better quality water?
 19 A Yeah.
 20 Q For farming?
 21 A Farming and living there. I think it's down in
 22 value because of the water now. Like, if somebody wanted
 23 to buy my land and put a house there, I think, they'd
 24 probably think twice about it--about my water, you know,
 25 the water value.
 26 Q If you put a house back out there,----
 27 A I'm gonna.
 28 Q ---would you continue to farm it?

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1 A Yeah, um-hm.
 2 Q And when you were talking, I think you said \$680
 3 you received for the lease on the farm.
 4 A Yeah.
 5 Q Is that per acre or is that total?
 6 A That's total for the whole--for the year.
 7 Q Okay.
 8 A Yeah.
 9 Q What kind of crops are raised on the land?
 10 A Wheat.
 11 Q Has it always been wheat?
 12 A Wheat, barley and weeds.
 13 Q Did you say the current leaseholder is trucking
 14 water onto it to farm with or was that the previous person?
 15 A What's that?
 16 Q Does the current person that's farming, does he
 17 use the water available on the property?
 18 A No, he doesn't, just rain water.
 19 Q But he's not bringing water onto the property?
 20 A No. No, he's--the well's not even being used for
 21 nothing right now.
 22 Q Did you say--maybe I misunderstood, but I thought
 23 you said that one of the farmers actually brought water
 24 onto the property.
 25 A That was Willie Lockman. Ah, he lives near where
 26 my land is, but he's got a well there, but he always
 27 brought his drinking water in a big tank. He brought it
 28 from town.

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1 Q Oh, his drinking-----
 2 A Ever since--yeah, ever since I've been in grade
 3 school, he's always hauled water to his house.
 4 Q But he wasn't bringing water on the property to
 5 farm with?
 6 A Not to mine--no, hunh unh. No, not to mine.
 7 Q I misunderstood.
 8 A His place.
 9 Q Do you have any fear of contracting any disease
 10 because of the water?
 11 A Anything could happen.
 12 Q But do you actually think the water may be causing
 13 a particular disease?
 14 A I don't know. Nobody knew about this Mad Cow
 15 disease, and all of a sudden that popped up. Maybe that's
 16 caused by water.
 17 Q But nobody's ever told you anything like that?
 18 A No, hunh unh. No.
 19 MR. FAGAN: I have no further questions.
 20 EXAMINATION BY MR. WEBSTER:
 21 Q Allen, my name is Mike Webster, and I represent
 22 Murphy Exploration. In response to an earlier question,
 23 you indicated that your land out there did have a septic
 24 system in place?
 25 A Unhunh. (Deponent indicates yes.)
 26 Q Did you ever have problems with this septic system
 27 while you were living out on that property?
 28 Q You mean, from the house to the drain, you mean?

1 A Just, did you ever have problems with the way it
 2 functioned where you had to get it repaired or anything
 3 like that?
 4 A Well, we put in another pump. That's the only
 5 problems we had because it was mulky all the time, you
 6 know.
 7 Q The water was?
 8 A Yeah, the water--and I think what happened is it
 9 burnt
 10 --it burnt the motor out trying to get water. It might
 11 have been, ah--so we put it in a sand trap, I think they
 12 call it.
 13 Q To keep the sand-----
 14 A I don't know, yeah. Yeah. But it seemed like it
 15 was always mulky like. It wasn't real clear, you know, but
 16 we used it.
 17 Q That was your fresh water, though, right, coming
 18 from your pump?
 19 A Yeah.
 20 Q But as far as the septic system or the drain field
 21 or that for your sewage and other waste, did you ever have
 22 any problems with it while you lived out there?
 23 A No, from the trailer to the--yeah. No, it always
 24 flushed.
 25 Q Part of your problem with the well was sand
 26 related, is that right?
 27 A I think so.
 28 Q And when you put the new filter on the pump, then

1 did that work better?
 2 A It worked. It worked for--yeah. I think it was
 3 a red--what do they call it, a red jet or? red jet pump?
 4 Q I don't know.
 5 A Oh.
 6 Q Did you have ever any contact or discussions with
 7 any representatives of Murphy out there? Have you ever
 8 talked to Murphy employees?
 9 A I know people who work for Murphy.
 10 Q Have you ever talked to any of them about your
 11 water situation?
 12 A No.
 13 Q Have you ever talked to any of the USGS people
 14 when they came out and they did these various studies? Did
 15 you ever talk to any of them about your water?
 16 A Ah, I think they sent me a letter, but I didn't
 17 even pay attention to it.
 18 Q But you didn't have any--you didn't go visit with
 19 any of them or talk to them when they were in the field?
 20 A No, hun unh. No, hun unh. Yeah. A good friend
 21 of mine I know worked for Murphy, he just died, and I went
 22 to his funeral. Trotter. I don't know if you know him or
 23 not.
 24 Q He was down at a basketball tournament as I recall
 25 and had his heart give out. Did you ever see any problems
 26 with oil field activities, oil wells, disposal systems, any
 27 of that out there?
 28 A I would see these trucks dumping water in

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1 disposable wells, they called it. But see, not all the
2 time.
3 Q Do you know where that occurred?
4 A I didn't really know what they were doing, but I
5 knew they were doing something, you know. That's what I
6 heard that they were dumping water in a disposal well.
7 Q Do you know what time framework that was?
8 A That was in 70's and 80's.
9 Q Seventies and 80's?
10 A Unhuh.
11 Q And you don't know what companies those were or
12 who owned those trucks?
13 A I don't know who--with the trucks. I knew they
14 were oil trucks, that's all I know.
15 Q And your understanding, at least, was that what
16 they were doing was dumping salt water into disposal wells?
17 A Yeah, disposal wells. Because I remember you'd
18 see a truck come out of there with crude oil. They've got
19 their own stations, right? treaters or something like that.
20 Q Okay. Have you had any discussions with Tom
21 Osborne, who was----
22 A No.
23 Q ---a fellow that came out and collected water
24 samples a few months ago?
25 A Didn't talk to me.
26 Q Allen, in some answers that have been filed here,
27 there was an indication that the water became unsuitable
28 for drinking about 1976, is that right?

1 filed in here, Allen, there was a reference that in 1976 or
2 thereabouts that you visited with the Indian Health Service
3 about your water? Do you recall that answer or do you
4 recall those visits?
5 A Somebody talked--I can't remember who it was. I
6 think they did talk to me, though.
7 Q Do you recall what was said at all about that?
8 A I think it was about contamination or something.
9 Q And do you recall what was said about
10 contamination?
11 A No.
12 MR. WEBSTER: I think that's all I've got.
13 EXAMINATION BY MR. DOLAN:
14 Q And, Allen, I just have one question for you.
15 You've testified that you thought there was talk of a
16 lawsuit in 1988 or 1989. When did you talk to Rene Martell
17 about joining a lawsuit? Did you talk to him about joining
18 a lawsuit prior to joining this lawsuit?
19 A No, I don't think I did.
20 Q The only lawsuit that you've ever talked to anyone
21 about or heard about is this lawsuit?
22 A Yeah, unhuh. Yeah.
23 Q So, I want to represent that I represent Rene and
24 started discussions with him in 1998.
25 A Oh. What did I say?
26 Q You said '88 or '89.
27 A No, hunh unh, not----
28 Q Did you mean a different time?

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1 A Yeah, it would--film--film like.
2 Q And you continued to live on the property until
3 1980?
4 A Well, we, ah--we, ah, had our own, ah--see, she
5 would go to Brockton, and I would go out home. We didn't
6 live there steady all the time.
7 Q When you lived there after 1976 when the water got
8 to where you no longer drank it, what did you do for
9 drinking water?
10 A We didn't--you mean, ah, to wash stuff, you mean?
11 Q No, I mean to drink. If you wanted a drink of
12 water, what did you do for----
13 A We hauled--we brought water to the--to the
14 trailer.
15 Q Okay, so from 1976 until you moved out of the
16 trailer, if you wanted to have drinking water, it was
17 hauled out there?
18 A Yeah.
19 Q The rest of the water----
20 A It'd be in gallon jugs, something like that.
21 There wasn't no big amount.
22 Q So you weren't out there all that much?
23 A Well, we were out there, but, like I say, we were
24 in arguments seems like all the time.
25 Q You didn't have cause to drink a whole lot of
26 water?
27 A Yeah, right.
28 Q Also, I believe in your answers that have been

1 A Yeah, I meant the different, ah----
2 Q Did you mean this lawsuit when everyone was----
3 A Not '88, it was ninety--this one here, yeah.
4 Q Okay, so 1998 is about the----
5 A Yeah, '98, yeah.
6 MR. DOLAN: Thank you. That's all I have.
7 MR. ROSS: No further questions.
8 MR. STERUP: Nothing further.
9 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS THEN
10 CONCLUDED AT 12:19 P.M.)
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1 CERTIFICATE2 STATE OF MONTANA)
RS.

3 COUNTY OF ROOSEVELT)

4 I, JOANN D. HESER, Official Court Reporter, Fifteenth
5 Judicial District, and a Notary Public duly qualified in and for
6 the State of Montana, hereby certify there came before me the
7 deponent herein, namely ALLEN YOUPEE, who was by me duly sworn
8 to testify to the truth and nothing but the truth concerning the
9 matters in this cause.

10 I further certify that I was the Official Court Reporter
11 who reported, by means of LANIER recorder, this deposition. The
12 testimony therein and other proceedings herein contained are a
13 true and correct transcription of the original tapes and my
14 notes, TO THE BEST OF MY ABILITY.

15 I further certify that I am not related in any manner to
16 any party, witness, or counsel and have no financial or other
17 interest in the outcome of the above entitled cause.

18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
19 my Notarial Seal this 15th day of June, 2001.

20 Joann D. Heser

21 NOTARY PUBLIC

22 My Comm. exp. 7/2/2004

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281 CORRECTIONS TO DEPOSITION

3 The Deponent, ALLEN YOUPEE, states he wishes to make the
4 following changes in testimony as originally sworn:

5 PAGE	6 LINE	7 SHOULD READ	8 REASON
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21 ALLEN YOUPEE22
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1 DEPONENT'S CERTIFICATE

2 I, ALLEN YOUPEE, do hereby certify that I have read the
3 foregoing transcript of my testimony and that the same is a
4 full, true and correct record of my deposition except as to any
5 corrections I have listed on the Corrections to Deposition form.

6 Changes and corrections made.7 No changes or corrections made.

8

9 ALLEN YOUPEE

10 Subscribed and sworn to before me this day of
11 , 2001.

12

13 NOTARY PUBLIC for the State of Montana
14 Residing at , Montana
15 My Commission expires

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